

Voting Procedures

- Chairman: Introduce the item
- Staff: Presents the item
- Chairman: Asks for those wishing to speak in support, then asks for those wishing to speak in opposition. Note: Planning Commission does not "debate" the issue at this time.
- Chairman: Following presentations by staff and comments by the public, the chairman asks for a (main) motion. Motions should be in the positive not the negative.
Examples: I move to Approve as submitted or I move to approve with staff comments.
- Chairman: Asks for discussion on the main motion.
- Planning Commission: Discussion, questions and debate by the planning commission. It is very helpful if the Planning Commission articulate why they are voting on an item and especially if voting against the motion to approve.
- Chairman: Following Planning commission discussion, the chairman asks for any amendments. If there are any amendments then a motion to amend and a second is required. Ask for discussion on the motion to amend. Then vote on the amendments and if the amendments are approved, then;
- Chairman: Calls for a vote on the amended main motion, or
If the main motion was not amended then vote on the main motion.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
October 8, 2019**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. APPROVAL OF MINUTES FROM September 10, 2019

IV. STAFF COMMENTS AND PROCEDURES

1. MLUP #4-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Detached to Residential Attached at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
2. Rezoning Application #19-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a rezoning from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) by extension at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
3. Development Plan #8-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a duplex development at 2001, 2005 & 2009 Country Club Avenue and a multifamily development at 2800 South 21st Street.
4. Conditional Use #19-10-19; A request by Stephanie Stipins, agent for Lakia Dale and Daylan Conzley, for a single family development at 416 South U Street.
5. Conditional Use #18-10-19; A request by Ronald Tran, owner, for a mobile food court at 3701 Grand Avenue.
6. Rezoning #21-10-19; A request by Scott Archer, owner and agent for Robert May, Trey White and Nathan Wilson, for a zone change from not zoned to a Planned Zoning District (PZD) at 7405 Ellis Street.
7. Rezoning #22-10-19; A request by Kraig Koren, owner, for a zone change from not zoned to a Planned Zoning District (PZD) at 7600 Fort Chaffee Boulevard.
8. Subdivision Variance #3-10-19; A request by Andy Brown, agent for the Edward L Heinrichs Living Trust, for a variance from UDO Section 27-504-3 private access easement at 2721 South Greenwood Avenue.

9. Driveway Variance #1-10-19; A request by Michele Burgess, agent for Allied Enterprises, Inc., for a driveway separation from 25' to 15' at 1301 North 4th Street.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

10. Variance #27-10-19; A request by Mitchell Minnick, owner, for the required minimum parking spaces from 24 to 18 at 401 North 9th Street.

**RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION**

11. Development Plan #11-10-19; A request by Mitchell Minnick, owner, for a development plan approval for a multifamily development at 401 North 9th Street.
12. Master Land Use Plan Amendment #5-10-19; A request from Lee King, agent for Speedway Properties, LLC, from office research and light industrial/residential attached to office research and light industrial at 5305 Towson Avenue.
13. Rezoning #23-10-19; A request from Lee King, agent for Speedway Properties, LLC, for a zone change from residential multifamily medium density (RM-3) to industrial light (I-1) at 5305 Towson Avenue.
14. Development Plan #12-10-19; A request from Lee King, agent for Speedway Properties, LLC, for an addition to an existing building at 5305 Towson Avenue.
15. Appeal of Administrative Determination #1-10-19; A request by Bobby Aldridge, agent for 3bStorage, for an appeal of administrative determination for a driveway for a proposed mini-storage development at 5915 Remington Circle.
16. UDO Amendment – An amendment to allow outdoor mobile food vending in the Extraterritorial Jurisdiction.
17. Adoption of Chapter 27 – Unified Development Ordinance in the 2019 Codification of the Fort Smith Municipal Code.

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
September 10, 2019 – 5:30 P.M.

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Vicki Newton, Kelly Wilson, Ret Taylor, Matt Marshall, Griffin Hanna, Brian Trumbly and Bob Cooper.

Chairman Keesee then called for a motion on the minutes from the August 13, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve the minutes as written.

Chairman Keesee announced that the applicant had requested the tabling of items 7, 8, and 9 in order for the developer to reevaluate the layout and consider some of the neighborhood's concerns. He stated that the Planning Commission would be addressing those items before continuing with the planned agenda.

- 7. MLUP #4-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Detached to Residential Attached at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.**
- 8. Rezoning Application #19-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a rezoning from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) by extension at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.**
- 9. Development Plan #8-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a duplex development at 2001, 2005 & 2009 Country Club Avenue and a multifamily development at 2800 South 21st Street.**

Ron Brixey, agent for Felix Vozel Estate, stated that another neighborhood meeting would be scheduled and he would notify any interested party of said meeting.

Gordon Fredrick, 2115 South Z Street, voiced concerns regarding the developer's ability to contact interested parties. Ms. Brenda Andrews asked for those interested to provide their contact information on the Planning Departments sign-in sheet to be supplied to the developer. Other interested parties could supply their information directly to the Planning Department by Friday, September 13, 2019, 5:00 P.M.

Chairman Keesee called for a motion to table items 7, 8 and 9. Commissioner Morris moved, seconded by Commissioner Cooper, to table items 7, 8 and 8. The vote for item 7—the MLUP—was 9 votes in favor and 0 opposed. The vote for item 8—the rezoning—was 9 votes in favor and 0 opposed. The vote item 9—the development plan—was 9 votes in favor and 0 opposed. Chairman Keesee announced the items had been tabled.

Ms. Brenda Andrews spoke on the procedures.

1. Stonebrook at Chaffee Crossing, Phase III, Lots 44-58 and Tract A – Final Plat – Brixey Engineering

Chairman Keesee introduced item 1. Ms. Brenda Andrews presented the staff report, indicating that the 5.53 acre property was located on the north side of Big Horn Court and Stonebrook Drive. She stated the approval of this item would facilitate the development of Phase III of Stonebrook at Chaffee Crossing.

Ron Brixey was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on item 1. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve this item as written with staff comments. The motion carried with 9 in favor and 0 opposed. Chairman Keesee announced the final plat was approved. Approval subject to the following staff comments:

- Final Plat shall not be filed until Owner / Developer has submitted test results for all applicable testing for water and sanitary sewer improvements.
- Water and sanitary sewer improvements shall not be accepted by the Utility Department, pending same test results.
- No building permits or Planning Department applications shall be approved by the Utility Department pending same test results.
- After all required water and sewer results are approved, approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

2. Variance #23-9-19; A request by Cary Smallwood for a variance from 25' to 20' exterior side-yard setback at 6908 Forest Canyon Drive.

Chairman Keesee introduced item 2. Ms. Andrews read the staff report. She stated the property was located on the southwest corner of Deer Chase Court and Forest Canyon Drive. She stated approval of this variance would allow for a larger home with a swimming pool to be constructed.

Matt Edwards was present to represent this item.

There were none present to speak in favor or opposition.

After discussion, Chairman Keesee called for a motion on the variance. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve the variance with staff comment. The vote was 9 in favor and 0 opposed. Approval subject to the following:

- The building permit shall not be issued pending the approval of the water and sewer test results for the Stonebrook, Phase III subdivision.

RECESS BOARD OF ZONING ADJUSTMENT CONVENE PLANNING COMMISSION

3. Conditional Use #16-9-19; A request by Shannon Reith, agent for Evangel Temple Church, for parking lots at 1219 and 1223 South 12th Street

Chairman Keesee introduced item 3. Ms. Andrews presented the staff report, indicating that the 0.46 acre property was located on the east side of South 12th Street between Dodson Avenue and South M Street. She stated the approval of this application would allow a new parking lot with 40 parking spaces to support the existing church. Staff recommended approval subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The shrubs used for parking lot screening must be a minimum of 24" tall at the initial time of planting as required by Section 27-602-3-C of the UDO.
- All exterior lights must be shielded and comply with the UDO Outdoor and Commercial lighting requirements and verify 0.1 ft. candles of trespass adjacent to residential.

Shannon Reith was present to represent this application. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion on the conditional use. Commissioner Hanna moved to approve with staff comments, seconded by Commissioner Newton. The motion carried, 9 in favor and 0 opposed.

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

4. Variance #25-9-19; A request by Neal Morrison, agent for The Dermatology Center, PLLC, for a driveway separation variance from 150' to 134' at 7900 Dallas Street.

Chairman Keesee introduced items 4 and 5 as companion items. Ms. Rice presented the staff reports, stating that approval of these items would facilitate the construction of an 11,390 square feet medical clinic with 74 parking spaces, landscaping, water detention, and screening fence. She indicated the location of the 0.94 acre property being on the south side of Dallas Street between South 80th and South 74th Street, having frontage along Dallas Street.

Neal Morrison and Tony Leraris were present to represent these applications. Nancy Raney, 8108 Adam Drive, spoke with concerns regarding the amount of parking and lack of green space. Neal Morrison explained landscaping would exceed the minimum requirements. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion on item 4—the variance. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve with staff comments.

RECESS BOARD OF ZONING ADJUSTMENT CONVENE PLANNING COMMISSION

- 5. Development Plan #9-9-19; A request by Neal Morrison, agent for The Dermatology Center, PLLC, for a development plan approval for a medical office at 7900 Dallas Street.**

Chairman Keesee called for a motion on item 5—the development plan. Commissioner Taylor motioned, seconded by Commissioner Trumbly, to approve with the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A final landscaping plan in compliance with the UDO must be submitted and approved prior to the issuance of a building permit.
- Building permit plans for the exterior lights must verify compliance of 0.1 ft. candles or less of light trespass adjacent to the residential zoning at the rear of the development.

Chairman Keesee called for a vote item 5—the development plan. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the approval of items 4 and 5.

- 6. Rezoning Application #20-9-19; A request by Miguel and Maria Ramirez for a rezoning from Industrial Moderate (I-2) to Residential Single-family Medium/High Density (RS-3) by classification at 1904 High Street.**

Chairman Keesee introduced item 6. Ms. Rice presented the staff report, stating that the 2.67 acre property was on the south side of High Street just south of the entrance of Yukon Street. She indicated the approval of this zoning application would facilitate the subdivision of the property for the construction of a single family home.

Miguel Ramirez was present to represent and speak in favor of this item. There were none present in opposition.

There being no discussion, Chairman Keesee called for a motion on the rezoning application. Commissioner Trumbly moved, seconded by Commissioner Morris, to approve. The motion carried with 9 in favor and 0 opposed.

10. Subdivision Variance #2-9-19; A request by Thomas Hennelly, agent for the Redding Family, for a variance from UDO Section 27-503-2(E) access on a Major Arterial street at 4116 & 4004 Massard Road.

Chairman Keesee introduced item 10. Ms. Andrews read the staff report, stating the 10.1 acre property was located on the west side of Massard Road between Louisville Street and Jackson Street. She indicated the approval of this application would allow the continuation of two existing single-family residences to have vehicular access on Massard Road and share an existing driveway already located on Massard Road. Ms. Andrews recommended the following staff comments upon approval:

- Approval is subject to the submitted site plan/plat.
- The access shall be utilized for only the single family residences as shown on the plan.

Thomas Hennelly, agent for the Redding Family, was present to represent this item. Steve Park, 2212 Carthage Drive, spoke in favor of this application. There were none present to speak in opposition.

Chairman Keesee called for a motion on the subdivision variance. Commissioner Taylor moved to approve with staff comments, seconded by Commissioner Marshall. The vote was 8 in favor and 1 abstention (Cooper).

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

11. Variance #24-9-19; A request by Bennie Westphal for a variance from 20' to 12.1' interior side-yard setback at 6609 Rogers Avenue.

Chairman Keesee introduced companion items 11 and 12. Ms. Rice presented the staff report, detailing the location of said property as on the north side of Rogers Avenue between South 66th Street and South 68th Street, containing 1 acre with approximately 216 feet of street frontage along Rogers Avenue. She stated the approval of these items would allow for the development of a restaurant with a drive-through and additional parking. Staff recommended the following comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A final landscaping plan in compliance with the UDO must be submitted prior to the issuance of a building permit.
- The development must comply with the Storm Drainage Standards prior to the issuance of a building permit.

- BZA approval of the interior-side yard variance request.

Eric Nelson was present to speak on behalf of these items. There were none present to speak in favor or opposition.

There being no discussion, Chairman Keesee called for a motion on item 11—the variance. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve with staff comments.

RECESS BOARD OF ZONING ADJUSTMENT CONVENE PLANNING COMMISSION

12. Development Plan #10-9-19; A request by Bennie Westphal for a development plan approval for a commercial development at 6609 Rogers Avenue.

Chairman Keesee called for a motion on item 12—the development plan. Commissioner Taylor motioned, seconded by Commissioner Trumbly, to approve the development plan with staff comments.

There being no further business, the meeting adjourned at approximately 6:16 p.m.

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: October 3, 2019

Re: Master Land Use Plan Amendment #4-9-19 - The Planning Department is in receipt of an application by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Detached to Residential Attached at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.

The property is currently RSD-2. A companion zoning application requests a Residential Multifamily Medium Density (RM-3) zoning district. The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The areas to the north, east, and south are classified as Residential Detached and are developed as single family residences.

The area to the west is classified as Residential Detached and Commercial Neighborhood and is developed as single family residences and an insurance office.

The proposed Land Use classification of Residential Attached is described as follows: The Residential Attached classification is intended to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

Characteristics and Use:

Criteria for Designation:

Compliance Noted

- | | |
|---|-----|
| • Land adjacent to/or within regional centers. | NO |
| • Land within walking distance to commercial, office, low impact industry, regional institutions or parks | YES |
| • Located on a high volume roadway | YES |
| • Planned as part of a mixed-use development | NO |

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies both sites as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

A companion Master Land Use Plan Amendment application requesting Residential Attached has been submitted. This classification is to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Jenny Lind Road as a Residential Collector. The Master Street Plan also classified Country Club Avenue and South 21st Street as local roads.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Thursday August 8th, 2019 at 4:30 P.M. at the Fort Smith Public Library located at 3201 Rogers Avenue.

Seventeen people attended the meeting and fourteen of the attendees were neighboring property owners. The neighboring property owners expressed concerns and objections about increased traffic, increased density of dwellings, size of duplexes, water detention and drainage, trash pickup, pets, height of structures, and the general development. The Engineer took a poll to get an idea of who was against the development or had concerns and nine of the attendees showed concern about the development.

A copy of the neighborhood meeting sign in sheet and meeting minutes are enclosed for your review.

STAFF COMMENTS

Staff is in receipt of an email from the applicant, Ron Brixey, requesting this item be tabled in order for him to re-evaluate the layout. The email requesting the tabling is included in the packet.

STAFF RECOMMENDATION

Staff recommends approval of the request to table until the applicant is ready to submit the new layout.

From: HUGH MAURRAS
To: Andrews, Brenda
Subject: [EXT]Maurras/Brixey, rezoning request for 2800 So. 21st. St. Et al.
Date: Wednesday, September 04, 2019 4:15:42 PM

CAUTION: EXTERNAL-EMAIL This message originated from outside the organization. Please do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Brenda- as per our joint telephone call with Ron Brixey please accept this request to table the above referenced zoning change until the following month's planning commission meeting. This should give us enough time to re-evaluate our layout and hopefully placate the concerned neighbors.

Respectfully submitted,

Hugh Maurras.

Sent from my iPhone

Master Land Use #4-9-19: from Residential Detached to Residential Attached 2800 South 21st Street and 2001, 2005 and 2009 Country Club Avenue



Master Land Use, Rezoning and Development Plan

2800 South 21st Street, 2001, 2005 and 2009 Country Club Avenue

Legend



Application Type

☒ **Minor Amendment**
 ☐ **Standard Amendment**
 ☐ **Major Amendment**
(See Section 27-328-5 C. (Criteria))

Request to Amend Map ☐
Request to Amend Text ☐

Applicant Name: Ron Brixey		
Firm Name: Brixey Engineering & Land Surveying, Inc.		
Address: 5223 East Highway 45, Fort Smith, Arkansas 72916		
Phone # (day): 479-646-6394 Phone # (cell): 479-650-3400 Fax #:		
Owner Name: Felix Vozel		
Owner Address: 2212 South X Street, Fort Smith, Ar 72901		
Phone # (day): Phone # (cell): Fax #:		
Property Address (subject property): 2800 South 21st Str. & 2001, 2005,		
Subject Property & 2009 Country Club Ave.		
Current Land Use: Vacant & Single-Family Residential		
Existing MLUP Classification: Residential Detached		
Proposed MLUP Classification: Residential Attached		
Existing Zoning Classification: RSD-2 (Res. Single-Family Duplex Low/Medium Density)		
Proposed Zoning Classification:		
Surrounding Property RM-3 (Res. Multifamily Medium Density)		
Current Land Use: north- Office & Single Family Res.		
south- Single Family Res.		
east- Single Family Res.		
west- Office & Single Family Res.		
Existing MLUP Classification: north: Residential Detached		
south: Residential Detached		
east: Residential Detached		
west: Commercial Neighborhood and Residential Detached		
Existing Zoning Classification: north: RSD-2		
south: RSD-2		
east: RSD-2		
west: RM-3 and Transitional		
Pre-Application Meeting Date: August 8, 2019		

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
3. The area dimensions of the property in square feet or acres.
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:
Jenny Lind Road is classified as a residential collector and is in excellent condition
South 21st Street is classified as a Local Street and is in excellent condition
Country Club Ave. is classified as a Local Street and is narrow but is in good condition
It is anticipated that most traffic generated will utilize Country Club and Jenny Lind. Country Club has very little current usage and Jenny Lind is constructed to handle "collector" traffic

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:
See Development Plan drawing

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:
Proposed build-out density is 7.5 D.U. per acre
Maximum potential density is 26 D.U. per acre

7. Identify any known or anticipated environmental concerns:
None

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Ron Briff

Signature (Agent/Owner)

8/16/19

Date


The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

<u>NAMES OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. <u>Felix Vozel Estate</u>	
2. <u>Mary J Krutsch, Executor</u>	
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

This form is necessary only when the person representing this request does not own all property.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Fort Smith Main Library, 3201 Rogers Ave.

Meeting Time & Date 4:30 PM, August 8, 2019

Meeting Purpose Discuss Zone Change and Development Plan

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
	<i>Clara + Steve</i> <i>Esten</i>		
1.	Sue Lollis	2916 So. 21 st	479-831-2101
2.	Jabitha House	1921 Atlanta St	479-739-5735
3.	Nancy Ahlert	2900 So. 21st.	479-926-8381
4.	Richard Riey	2901 So. 21st.	479-763-1419
5.	Raylene Mock	2100 Atlanta	479-653-3960
6.	Hugh Maurras		
7.	Tyler Miller	City of Fort Smith	479-784-2241
8.	Seth Hottel	2624 gals	479-783-4989
9.	JOHN M ^{CD} MCKIN	2910 S 21 ST	479-881-9803
10.	STEVE BRIDGES	1122 AZULNA	479-646-8030
11.	Roger Johnson	2115 Country Club	479-783-1421
	Sandra Kowitz	ocum	651-7274
	W. Rime Rich		

August 9, 2019

MINUTES OF NEIGHBORHOOD MEETING

On August 8, 2019 at 4:30 p.m. a Neighborhood meeting was held in the Carnegie Room at the Main Branch of the Fort Smith Public Library. The address of the library is 3201 Rogers Avenue. The meeting was held to discuss a proposed Zone Change from RSD-2 to RM-3. The property involved in the proposal includes 2020 Country Club Avenue (south side) which is currently occupied by a single family dwelling and the property immediately across Country Club Avenue (north side) which has not been assigned an address and which is currently vacant. The Zone Change requires that a Development Plan be included in the discussion. The proposals were initiated by the developer, Hugh Maurras.

The developer proposes to construct three duplex residences on the north side property and ten duplex residences on the south side property .

Seventeen people were in attendance. The City was represented by Tyler Miller of the Planning Department. Ron Brixey of Brixey Engineering presided. The developer was represented by Hugh Maurras. Fourteen in attendance were local residents.

Mr. Brixey presented a general explanation of the proposed development. The local residents asked general questions about zoning limitations and the overall development plan. These were answered in a general discussion with Mr. Brixey, Mr. Maurras, and Mr. Miller contributing answers.

Specific concerns were as follows:

1. Increased traffic on South 21st Street. It was generally agreed that the driveway on the south side of Country Club should be extended to tie into country club to allow more direct access to Jenny Lind Ave. The development plan indicated access only from South 21st.
2. Size and price range of proposed structures. A preference for single story structures was expressed.
3. Drainage paths and quantities. An explanation of the function of the proposed detention pond was provided.
4. Plans for trash pickup. It was explained that no dumpsters are proposed and that individual trash containers will be utilized and put out only on pickup days.
5. A question was raised concerning pets. Mr. Maurras stated that no pets would be allowed.

By a show of hands, no attendees were completely opposed to the proposal and 9 attendees expressed concern.

There was no further discussion and the meeting adjourned at approximately 5:45 P.M.

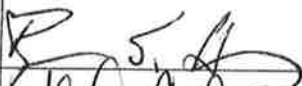
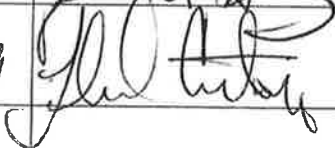
Comments from Steve Parke, 2212 Carthage

- The structure density of the proposed RM-3 zoning results in a development layout which is in stark contrast to, and is inconsistent with, the single-family dwelling settings which surround it in all directions.
- The development at the proposed RM-3 density reduces the available greenspace that would be present under the current RSD-2 zoning. The existing RSD-2 zoning density allows for greater separation of structures which creates an appearance more consistent with the surrounding neighborhoods.
- In addressing one of the neighborhood's concerns that the development may place two-story structures against adjacent properties, the developer's representative stated that the structures would be one-story. However, it should be noted that the developer's renderings of the duplex structures show that the structure's roof height (eave to ridge line) is a greater dimension than the sidewall height of the structure's occupied first floor making the overall building height equal to that of a two-story structure.
- The driveway proposed from the larger development tract onto South 21st Street should be eliminated or redirected to Country Club Avenue so that the vehicle traffic from the 10 duplex structures (20 units and potentially 40 vehicles) enter the more heavily trafficked perimeter streets through the controlled street intersections at both Jenny Lind Road and South 21st Streets.

Petition to [Action]

1. Petition Summary: MLUP #4-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Attached at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
2. Rezoning Application #19-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a rezoning from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) by extension at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
3. Development Plan #8-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a duplex development at 2001, 2005 & 2009 Country Club Avenue and a multifamily development at 2800 South 21st Street.

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-21-19		Ryan S. Henry	2005 S. Y ST. FT. SMITH AR	
9-22-19		THAD CUTSINGER	2004 S YST FT SMITH AR	STOP DUPLEXES

Petition to [Action]

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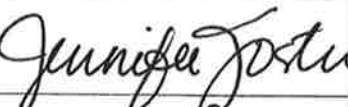
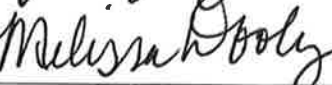


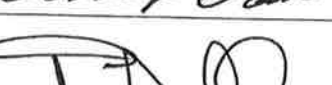
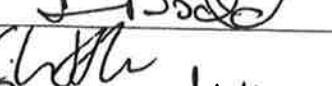
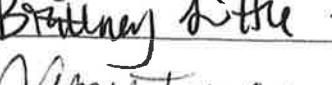
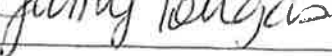
Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-21-19	Barbara E. Carter	BARBARA E. CARTER	2019 S. Y Street	Please do not allow this
9-21-19	Jacqueline Lovett	JACQUELINE LOVETT	2015 S. Y St.	PLEASE DO NOT ALLOW the duplex
9-21-19	Karen Bognen	KAREN BOGNER	2023 S. Y. St.	No Apartments No duplexes
9-21-19	Jennifer Lockwood	JENNIFER LOCKWOOD	2011 S. Y	Please do not allow
9-22-19	Charlotte Sheraden	Charlotte Sheraden	2020 S Y	Do not allow
9-22-19	Carolyn Black	CAROLYN BLACK	2020 S Y	Do not allow

Petition to [Action]

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Date	Signature	Printed Name	Address	Comment
9/19/19		Bernard Tougas	2606 S. 22nd St. Smith AR 72701	Not in forum
9/19/19		PATRICIA ROBBINS	2520 So. 22nd Ft. Smith, AR 72701	OPPOSED
9/19/19		Jennifer Foster	2200 SO. Y St Ft. Smith AR 72701	OPPOSED
9/19/19		Melissa Dooly	2712 Dallas Cr. Ft. Smith, AR 72701	OPPOSED
9/19/19		Dustin Foster	2220 S Y St Ft. Smith, AR 72701	opposed
9/19/19		DANNY DODD	2122 S. Z STREET	opposed
9/19/19		Jennifer Dodd	2122 S. Z St	OPPOSED
9/19/19		Charles Little	2105 S. N St.	opposed
9/19/19		Brittney Little	2105 S. N St.	opposed
9/19/19		Jamiybugis	2600 S. 22nd St.	opposed

Petition to [Action]

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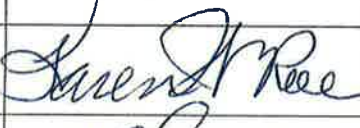


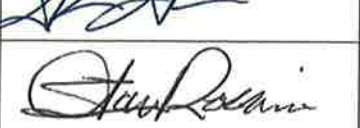
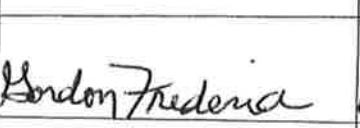


Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-18-19	<i>Stacy Scrivner</i>	Stacy Scrivner	2119 South Z St. FSA 72901	opposed
9-18-19	<i>Gabriel Scrivner</i>	GABRIEL SCRIVNER	2119 South Z St. FSA 72901	
9/18/19	<i>Steve Bennett</i>	Steve Bennett	2621 S 21 st	opposed

Petition to [Action]

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Date	Signature	Printed Name	Address	Comment
9/17/19		Karen W Roe	2100 So W.	No change
9/17/19		William A. Roe	2100 So W	No change
9/17/19		Noel Calvo	2208 Earthinge	opposed
9/17/19		Hannah Harmon	2225 S. Y St	opposed
9/17/19		STAN ROBBINS	2222 S. "Z" St. FSM	opposed
9/19/19		Gordon Frederick	2115 South "Z" St	opposed
9-19-19		Tanya Frederick	2115 South "Z" St	opposed

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Date	Signature	Printed Name	Address	Comment
9-16-19	P.K. Holmes	P. K. HOLMES	2620 S. 22 nd	OPPOSE THE REQUEST
9-16-19	Kay Holmes	Kay Holmes	2620 S. 22 nd	Oppose + were not notified before now
9-16-19	Ali Sampson	Ali Sampson	2209 South X	Oppose
9-16-19	Don King	Donald F. King	2200 So. Z	opposed!
9-16-19	Suzanne King	Suzanne King	2200 So. Z	opposed
9-16-19	Catherine Armstrong	Catherine Armstrong	2210 S Z	opposed
2019/9/16	Alan DeWitt	ALAN DEWITT	2210 S. Z	OPPOSED
9/16/19	Troy Cowne	Troy Cowne	2727 S. 22	opposed
9/16/19	Suzanne Cowne	SUZANNE COWNE	2727 S. 22 nd	opposed

Memo

To: City Planning Commission

From: Planning Staff

Date: October 3, 2019

Re: Rezoning #19-9-19 - A request by Ron Brixey, agent for Felix Vozel Estate, for Planning Commission consideration of a zone request from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) by extension located at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue

PROPOSED ZONING

The proposed rezoning, master land use plan amendment, and development plan will support a multifamily development with 10 duplexes on the southern portion of the rezoning and 3 duplexes on the northern portion of the rezoning for a total of 26 dwelling units. The plan will have perimeter landscaping, water detention, privacy fence screening and parking spaces for the development as shown on the site plan.

LOT LOCATION AND SIZE

The first subject property to the north is bordered by three streets. It is located on the north side of Country Club Avenue, east side of Jenny Lind Road and west side of South 21th Street. The tract contains an approximate area of 0.88 acres with 360 feet of street frontage along Country Club Avenue, 105 feet of street frontage along South 21st Street and 105 feet of Street frontage along Jenny Lind Road.

The second subject property to the south is bordered by three streets. It is located on the south side of Country Club Avenue, east side of Jenny Lind Road and west side of South 21th Street. The tract contains an approximate area of 2.44 acres with approximately 360 feet of street frontage along Country Club Avenue, 300 feet of street frontage along South 21st Street and 300 feet of Street frontage along Jenny Lind Road.

REQUESTED ZONING

The requested zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2).

Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 4 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas surrounding the 1st subject property to the north side of Country Club Road are zoned and utilized as the following.

The area to the north is zoned RSD-2 and is developed as single family residences.

The area to the east is zoned Residential Single Family Medium Density (RS-2) and is developed as single family residences.

The area to the south is zoned RSD-2 and is developed as a single family residence, and is part of the rezoning request for the multifamily development.

The area to the west is zoned Transitional (T) and is developed as an insurance offices.

The areas surrounding the 2nd subject property to the south side of Country Club Road are zoned and utilized as the following.

The area to the north is zoned RSD-2 and is undeveloped. This property is part of the rezoning request for the multifamily development.

The area to the east is zoned Residential Single Family Medium Density (RS-2) and is developed as single family residences.

The area to the south is zoned RSD-2 and is developed as a single family residences.

The area to the west is zoned RM-3 and is developed as a single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Jenny Lind Road as a Residential Collector. The Master Street Plan also classified Country Club Avenue and South 21st Street as local roads.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies both sites as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

A companion Master Land Use Plan Amendment application requesting Residential Attached has been submitted. This classification is to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Thursday August 8th, 2019 at 4:30 P.M. at the Fort Smith Public Library located at 3201 Rogers Avenue.

Seventeen people attended the meeting and fourteen of the attendees were neighboring property owners. The neighboring property owners expressed concerns and objections about increased traffic, increased density of dwellings, size of duplexes, water detention and drainage, trash pickup, pets, height of structures, and the general development. The Engineer took a poll to get an idea of who was against the development or had concerns and nine of the attendees showed concern about the development.

A copy of the neighborhood meeting sign in sheet and meeting minutes are enclosed for your review.

STAFF COMMENTS

Staff is in receipt of an email from the applicant, Ron Brixey, requesting this item be tabled in order for him to re-evaluate the layout. The email requesting the tabling is included in the packet.

STAFF RECOMMENDATION

Staff recommends approval of the request to table until the applicant is ready to submit the new layout.

From: [HUGH MAURRAS](#)
To: [Andrews, Brenda](#)
Subject: [EXT]Maurras/Brixey, rezoning request for 2800 So. 21st. St. Et al.
Date: Wednesday, September 04, 2019 4:15:42 PM

CAUTION: EXTERNAL-EMAIL This message originated from outside the organization. Please do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Brenda- as per our joint telephone call with Ron Brixey please accept this request to table the above referenced zoning change until the following month's planning commission meeting. This should give us enough time to re-evaluate our layout and hopefully placate the concerned neighbors.

Respectfully submitted,

Hugh Maurras.

Sent from my iPhone

Rezoning #19-9-19: from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) at 2800 S 21st St & 2009 Country Club Ave



August 20, 2019

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks



Master Land Use, Rezoning and Development Plan

2800 South 21st Street, 2001, 2005 and 2009 Country Club Avenue

Legend



Google Earth

© 2018 Google



OWNER:
FELIX VOZEL
2212 SOUTH X STREET
FORT SMITH AR 72901

DEVELOPER:
HUGH MAURRAS
3509 OLD OAKS LANE
FORT SMITH AR 72903
479-414-2495

VICINITY MAP
1" = 500'

LEGEND

- WATERLINE
- WATER METER
- FIRE HYDRANT
- GAS METER
- MANHOLE
- GUY WIRE
- LIGHTPOLE
- POWERPOLE
- TELEPOLE
- DRAINAGE PIPE
- SEWERLINE
- GAS LINE
- BUILDING SETBACK LINE
- OVERHEAD ELECTRIC
- SIDEWALK
- CONCRETE PARKING
- ASPHALT STREET
- PROPOSED LANDSCAPING/SCREENING
- >2" RED MAPLE TREE
- MIN. 24" BURFORD HOLLY SHRUBS
- GRASS



BASIS OF BEARING: Grid North as determined by GPS Observation.

CURRENT ZONING: RSD-2 (Residential Single Family Duplex)

PROPOSED ZONING: Residential Multifamily (RM-3)

PROJECT ADDRESS: 2001, 2005 & 2009 COUNTRY CLUB AVE

LOT AREA: 32,855.43 Sq. Ft. / 0.75 Acre

LOT COVERAGE: 10,992.87 Sq. Ft. = 33.46%

PROJECT ADDRESS: 2800 SOUTH 21ST STREET

LOT AREA: 106,341.02 Sq. Ft. / 2.44 Acre

LOT COVERAGE: 36,642.90 Sq. Ft. = 34.46%

SURVEYOR'S CERTIFICATION

I, Ronald N. Bixey, a registered land surveyor in and for the State of Arkansas, do hereby certify that this is a true and correct plat to the best of my knowledge of a survey of Lots B & 9 Block 46 Park Hill Addition, also known as 2001, 2005 & 2009 Country Club Avenue, Fort Smith, Sebastian County, Arkansas, and a survey of Part of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 28, Township 8 North, Range 32 West, also known as 2800 South 21st Street, Fort Smith, Sebastian County, Arkansas, being more particularly shown and described on the plat hereto attached, to-wit: the said NW/4 of the NE/4; thence S 86°52'10" E 45.16 feet along the north line of said NW/4 of the NE/4; thence S 03°07'50" W 25.00 feet to the point of beginning; thence S 86°52'10" E 395.00 feet; thence S 03°05'58" W 300.00 feet; thence N 86°52'10" W 376.10 feet; thence N 03°18'35" E 279.15 feet; thence N 47°02'29" E 28.94 feet to the point of beginning.

FLOOD STATEMENT

Per the Flood Insurance Rate Map for Sebastian County, Arkansas, effective March 02, 2012, this property does not lie in a designated flood hazard area.

PARKING/LANDSCAPING
Parking Lot Landscaping screening shall consist of shrubs of an evergreen nature, be at least 24 inches tall at the time of planting, be spaced closely enough together so as to create a seamless row of screening, and reach the required height of 3 feet above the finished elevation of the parking lot within 24 months. All landscaping will be cared for and maintained in accordance with the Landscape Management Plan.

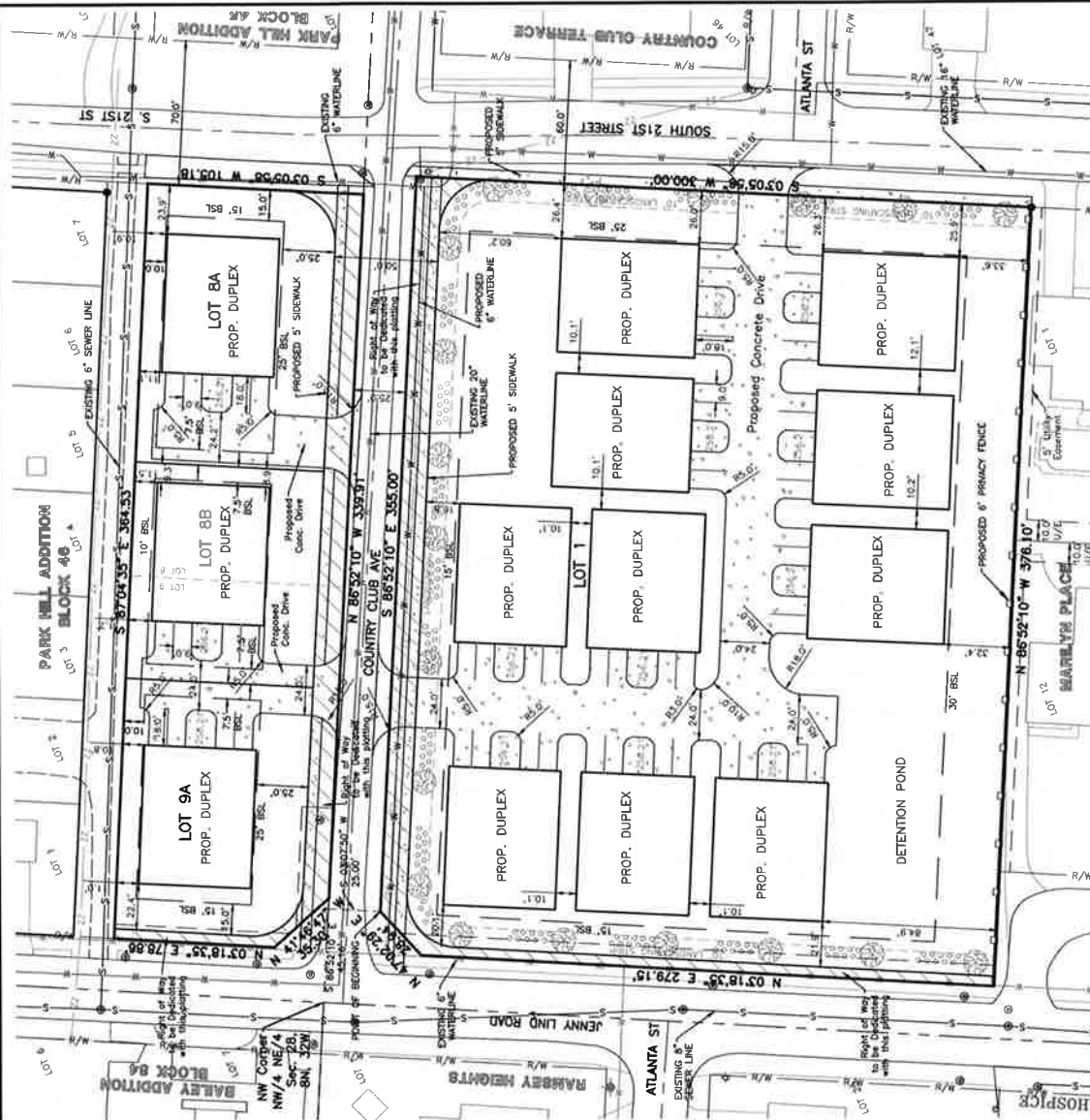
PARKING - 28 DWELLING UNITS/2 SPACES PER UNIT = 52 SPACES REQUIRED & 52 SPACES PROVIDED

SOUTH TRACT - PROPOSED INTERIOR PARKING & LANDSCAPING - 17,458.34 SQ.FT. VEHICLE USE AREA

SOUTH TRACT - PROPOSED INTERIOR LANDSCAPE REQUIRED 872.82 S.F. / 2562.10 S.F. PROVIDED

PROVIDED INTERIOR LANDSCAPING WILL BE VEGETATED WITH GRASS AND BE IN ISLAND FORM AS DEPICTED.

SOUTH TRACT R/W 916.34 feet = requires 19 trees & 184 shrubs - 19 trees and 184 shrubs provided



TRASH COLLECTION
ALL WASTE AND TRASH WILL BE KEPT OUTDOORS EXCEPT COLLECTION DAYS.

EXTERIOR LIGHTING
ALL EXTERIOR LIGHTING WILL COMPLY WITH UDO SECTION 27-602-5.

SIGNAGE
ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY

CERTIFICATION
I, the undersigned, hereby certify by my signature and seal that to the best of my knowledge, this plan conforms to the standards and requirements of the City of Fort Smith, Arkansas Unified Development Ordinance (Ordinance No. 36-09) as adopted on May 19, 2009, including subsequent revisions and additions to date.



BRIXEY ENGINEERING & LAND SURVEYING, INC.

CONSULTING ENGINEERS -- LAND SURVEYORS

5223 East Highway 45 P.O. Box 6190 Fort Smith, Arkansas 72906 (479) 646-6394

REGISTERED PROFESSIONAL SURVEYOR

STATE OF ARKANSAS

REGISTERED PROFESSIONAL ENGINEER

STATE OF ARKANSAS

DEVELOPMENT PLAN

2001, 2005 & 2009 COUNTRY CLUB AND 2800 SOUTH 21ST STREET, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

Prepared for: Hugh Maurras

Date: 08/15/2019

Drawn By: RNB

Approved: RNB

Job No. 19-0148

Sheet

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Lots 8 and 9 Block 46, Parkhill Addition and a part of the NW/4 of the NE/4 of Section 28, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas

Complete description attached

2. Address of property: 2800 South 21st Str. & 2001, 2005, & 2009 Country Club Ave.

3. The above described property is now zoned: **RSD-2 (Res. Single-Family Duplex**

4. Application is hereby made to change the zoning classification of the above described property to RM-3 (Res. Multifamily Medium Density) by Extension (Extension or classification).

5. Why is the zoning change requested?

The developer proposes to develop 2001, 2005, & 2009 Country Club Ave. as individual duplexes. These lots are very shallow and the RSD-2 setbacks limit the building space too much for the proposed structure sizes. See Attached add'l info.

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Ron Brixey

Owner or Agent Name
(please print)

Owner

5223 East Highway 45, Fort Smith, Arkansas 72916

Owner or Agent Mailing Address

479-646-6394 ext 1

Owner or Agent Phone Number

2916 or
Ron Rife
Agent

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Lots 8 and 9, Block 46, Parkhill Addition and a Part of the NW/4 of the NE/4 of Section 28, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas

Address of property 2800 South 21st Str. & 2001, 2005, & 2009 Country Club Ave. has filed with the Director of Planning a
(Street Address)

written application pursuant to Section 4-1 of the Zoning Code of the City of Fort Smith

Arkansas, to request a zone change from RSD-2 (Res. Single-Family Duplex Low/Medium Density) to RM-3 (Res. Multifamily Medium Density)
by Extension.
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen(15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20_____
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

Lots 8 and 9, Block 46, Parkhill Addition and a Part of the NW/4 of the NE/4 of Section 28, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

None


Signature

(If no restrictive covenants exist, indicate "none".)*

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. Felix Vozel	2212 South X Street, Fort Smith, Ar 72901
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.


We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Felix Vozel Estate
2. Mary J Krutsch, Executor
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____



This form is necessary only when the person representing this request does not own all property.

PROPERTY DESCRIPTION:

Lots 8 and 9, Block 46, Park Hill Addition to the City of Fort Smith containing 0.87 acres more or less,

And also;

Part of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 28, Township 8 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northwest corner of said NW/4 of the NE/4; thence S 03°47'44" W, 26.65 feet along the West line of said NW/4 of the NE/4 a point: thence S 86°54'25" E, 45.00 feet to the Point of Beginning; thence S 86°54'25" E, 352.12 feet; thence S 03°06'41" W, 295.89 feet; thence N 87°15'20" W, 375.69 feet; thence N 03°47'44" E, 278.20 feet; thence N 48°26'40" E, 28.46 feet to the point of beginning, containing 2.55 acres more or less, being subject to public road rights of way and any easements of record.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Fort Smith Main Library, 3201 Rogers Ave.

Meeting Time & Date 4:30 PM, August 8, 2019

Meeting Purpose Discuss Zone Change and Development Plan

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE.#</u>
	<i>Clara + Steve</i> <i>State</i>		
1.	Sue Lollis	2916 So. 21 st	479-831-2101
2.	Jabitha Horese	1921 Atlanta St	479-738-5735
3.	Nancy Ahlert	2900 So. 21st.	479-926-8381
4.	Richard Riey	2901 So. 21st.	479-763-1419
5.	Raylene Mock	2100 Atlanta	479-653-3960
6.	Hugh Maurras		
7.	Tyler Miller	City of Fort Smith	479-784-2241
8.	Seth Hertz	2624 g	479-783-4989
9.	JOHN McLMULLEN	2910 S 21 st	479-881-9803
10.	STEVE BRIDGES	1122 ALLEN	479-646-3030
11.	Roger Johnson	2115 Country Club	479-783-1421
	SARIE Kewtson	Owner	651-7274
	& Rene Kich		

August 9, 2019

MINUTES OF NEIGHBORHOOD MEETING

On August 8, 2019 at 4:30 p.m. a Neighborhood meeting was held in the Carnegie Room at the Main Branch of the Fort Smith Public Library. The address of the library is 3201 Rogers Avenue. The meeting was held to discuss a proposed Zone Change from RSD-2 to RM-3. The property involved in the proposal includes 2020 Country Club Avenue (south side) which is currently occupied by a single family dwelling and the property immediately across Country Club Avenue (north side) which has not been assigned an address and which is currently vacant. The Zone Change requires that a Development Plan be included in the discussion. The proposals were initiated by the developer, Hugh Maurras.

The developer proposes to construct three duplex residences on the north side property and ten duplex residences on the south side property .

Seventeen people were in attendance. The City was represented by Tyler Miller of the Planning Department. Ron Brixey of Brixey Engineering presided. The developer was represented by Hugh Maurras. Fourteen in attendance were local residents.

Mr. Brixey presented a general explanation of the proposed development. The local residents asked general questions about zoning limitations and the overall development plan. These were answered in a general discussion with Mr. Brixey, Mr. Maurras, and Mr. Miller contributing answers.

Specific concerns were as follows:

1. Increased traffic on South 21st Street. It was generally agreed that the driveway on the south side of Country Club should be extended to tie into country club to allow more direct access to Jenny Lind Ave. The development plan indicated access only from South 21st.
2. Size and price range of proposed structures. A preference for single story structures was expressed.
3. Drainage paths and quantities. An explanation of the function of the proposed detention pond was provided.
4. Plans for trash pickup. It was explained that no dumpsters are proposed and that individual trash containers will be utilized and put out only on pickup days.
5. A question was raised concerning pets. Mr. Maurras stated that no pets would be allowed.

By a show of hands, no attendees were completely opposed to the proposal and 9 attendees expressed concern.

There was no further discussion and the meeting adjourned at approximately 5:45 P.M.

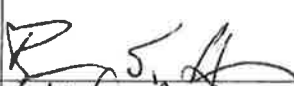
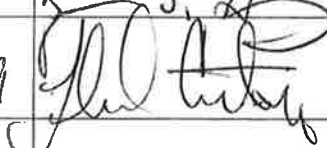
Comments from Steve Parke, 2212 Carthage

- The structure density of the proposed RM-3 zoning results in a development layout which is in stark contrast to, and is inconsistent with, the single-family dwelling settings which surround it in all directions.
- The development at the proposed RM-3 density reduces the available greenspace that would be present under the current RSD-2 zoning. The existing RSD-2 zoning density allows for greater separation of structures which creates an appearance more consistent with the surrounding neighborhoods.
- In addressing one of the neighborhood's concerns that the development may place two-story structures against adjacent properties, the developer's representative stated that the structures would be one-story. However, it should be noted that the developer's renderings of the duplex structures show that the structure's roof height (eave to ridge line) is a greater dimension than the sidewall height of the structure's occupied first floor making the overall building height equal to that of a two-story structure.
- The driveway proposed from the larger development tract onto South 21st Street should be eliminated or redirected to Country Club Avenue so that the vehicle traffic from the 10 duplex structures (20 units and potentially 40 vehicles) enter the more heavily trafficked perimeter streets through the controlled street intersections at both Jenny Lind Road and South 21st Streets.

Petition to [Action]

1. Petition Summary: MLUP #4-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Attached at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
2. Rezoning Application #19-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a rezoning from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) by extension at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
3. Development Plan #8-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a duplex development at 2001, 2005 & 2009 Country Club Avenue and a multifamily development at 2800 South 21st Street.

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-21-19		Ryan S. Henry	2005 S. Y ST. FT. SMITH AR	
9-22-19		CHAD CUTSGOR	2004 S YST FT SMITH AR	STOP DUPLEXES

Petition to [Action]

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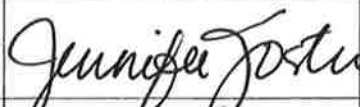
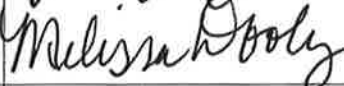




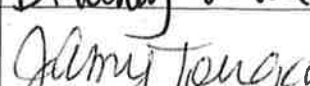
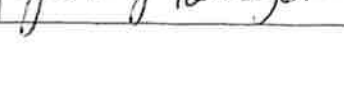
Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-21-19	<i>Barbara E. Carter</i>	BARBARA E. CARTER	2019 S. Y Street	Please do not allow this
9-21-19	<i>Jacqueline Lorett</i>	JACQUELINE LORETT	2005 S. Y. ST.	PLEASE DO NOT ALLOW the duplex
9-21-19	<i>Karen Bogner</i>	KAREN BOGNER	2023 S. Y. ST.	No Apartments No duplexes
9-21-19	<i>Jennifer Lockwood</i>	JENNIFER LOCKWOOD	2011 S. Y	Please do not allow
9-22-19	<i>Charlotte Sheraden</i>	Charlotte Sheraden	2020 S Y	Do not allow
9-22-19	<i>Carolyn Black</i>	CAROLYN BLACK	2020 S Y	Do not allow

Petition to [Action]

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Date	Signature	Printed Name	Address	Comment
9/19/19		Bernard Toujss	2606 S. 22nd Ft. Smith AR 72701	Not in form
9/19/19		PATRICIA ROBBINS	2520 So. 22nd Ft. Smith, AR 72701	OPPOSED
9/19/19		Jennifer Foster	2200 So. Y St Ft. Smith AR 72701	OPPOSED
9/19/19		Melissa Dooly	2712 Dallas Cr Ft. Smith, AR 72701	OPPOSED
9/19/19		Dustin Foster	2220 S Y St Ft. Smith, AR 72701	opposed
9/19/19		DANNY DODD	2122 S. Z STREET	opposed
9/19/19		Jennifer Dodd	2122 S. Z St	OPPOSED
9/19/19		Charles Little	2105 S. N St.	opposed
9/19/19		Britney Little	2105 S. N St.	opposed
9/19/19		Jamiy Toujss	2600 S. 22nd St.	opposed

Petition to [Action]

1. Petition Summary: MLUP #4-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Attached at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
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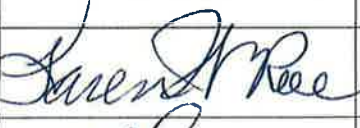






Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-18-19	<i>Stacy Scrivner</i>	Stacy Scrivner	2119 South Z St. FSA 72901	OPPOSED
9-18-19	<i>Gabriel Scrivner</i>	GABRIEL SCRIVNER	2119 South Z St. FSA 72901	
9/18/19	<i>Steve Bennett</i>	Steve Bennett	2621 S 21 st	opposed

Petition to [Action]

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Date	Signature	Printed Name	Address	Comment
9/17/19		Karen W Roe	2100 So W.	No change
9/17/19		William A. Roe	2100 So W	No Change
9.17.19		Noel Calvo	2208 E. 1st Ave	Opposed
9/17/19		Hannah Harmon	2225 S. Y St	Opposed
9/17/19		STAN ROBBINS	2222 S. "Z" St. FSM	Opposed
9/19/19		Gordon Frederick	2115 South "Z" St	Opposed
9-19-19		Tanya Frederick	2115 South "Z" St	Opposed

Petition to [Action]

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Date	Signature	Printed Name	Address	Comment
9-16-19	P.K. Holmes	P. K. HOLMES	2620 S. 22nd	OPPOSE THE REQUEST
9-16-19	Kay Holmes	Kay Holmes	2620 S. 22 nd	Oppose + were not notified before now
9-16-19	Ali Sampson	Ali Sampson	2209 South X	OPPOSE
9-16-19	Don King	Donald F. King	2200 So. Z	opposed!
9-16-19	Suzanne King	Suzanne King	2200 So. Z	opposed
9-16-19	Catherine Armstrong	Catherine Armstrong	2210 S Z	opposed
2019/9/16	Alan DeWitt	ALAN DEWITT	2210 S. Z	OPPOSED
9/16/19	Troy Cowne	Troy Cowne	2727 S. 22	opposed
9/16/19	Suzanne Cowne	SUZANNE COWNE	2727 S. 22nd	opposed

Development Plan Review

Memo

To: City Planning Commission

From: Planning Staff

Date: October 3, 2019

Re: Development Plan #8-9-19 - A request by A request by Ron Brixey, agent for Felix Vozel Estate, for Planning Commission consideration of a Development Plan request to develop a duplex multifamily development contains 13 buildings for a total of 26 dwelling units located at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue

PROPOSED DEVELOPMENT PLAN

The rezoning, master land use plan amendment, and development plan will support a multifamily development on the southside of Country Club consisting of 10 duplexes on one lot and three duplexes on individual lots on the north side of Country Club. The plan will have perimeter landscaping, water detention, privacy fence screening, and parking spaces for the development as shown on the site plan.

LOT LOCATION AND SIZE

The first subject property to the north is bordered by three streets. It is located on the north side of Country Club Avenue, east side of Jenny Lind Road and west side of South 21th Street. The tract contains an approximate area of 0.88 acres with approximately 360 feet of street frontage along Country Club Avenue, 105 feet of street frontage along South 21st Street and 105 feet of Street frontage along Jenny Lind Road.

The second subject property to the south is bordered by three streets. It is located on the south side of Country Club Avenue, east side of Jenny Lind Road and west side of South 21th Street. The tract contains an approximate area of 2.44 acres with approximately 360 feet of street frontage along Country Club Avenue, 300 feet of street frontage along South 21st Street and 300 feet of Street frontage along Jenny Lind Road.

PROPOSED ZONING

The requested zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas surrounding the 1st subject property to the north side of Country Club Road are zoned and utilized as the following.

The area to the north is zoned RSD-2 and is developed as single family residences.

The area to the east is zoned Residential Single Family Medium Density (RS-2) and is developed as single family residences.

The area to the south is zoned RSD-2 and is developed as a single family residence, and is part of the rezoning request for the multifamily development.

The area to the west is zoned Transitional (T) and is developed as an insurance offices.

The areas surrounding the 2nd subject property to the south side of Country Club Road are zoned and utilized as the following.

The area to the north is zoned RSD-2 and is undeveloped. This property is part of the rezoning request for the multifamily development.

The area to the east is zoned Residential Single Family Medium Density (RS-2) and is developed as single family residences.

The area to the south is zoned RSD-2 and is developed as a single family residences.

The area to the west is zoned RM-3 and is developed as a single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Jenny Lind Road as a Residential Collector. The Master Street Plan also classified Country Club Avenue and South 21st Street as local roads.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The site plan indicates that the developments will have 3 driveways located on Country Club Avenue and 1 driveway located on South 21st Street

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – The plan shows a detention pond on the southwestern portion of the development to accommodate drainage.

Landscaping – The southern portion of the development indicates a 10' perimeter landscaping strip.

Screening – The plans indicate that a privacy screening fence will be located along the southern portion of the development adjacent to single family residences.

Parking – The plan shows the minimum number of parking spaces and complies with the UDO.

Signage – The plans do not show any information regarding signage. The applicant will be required to comply with all the signage regulations.

Lighting – The plans indicate the site lighting will comply with the UDO.

Architectural features – The proposed duplexes are proposed to be constructed with 100% high quality materials.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Thursday August 8th, 2019 at 4:30 P.M. at the Fort Smith Public Library located at 3201 Rogers Avenue.

Seventeen people attended the meeting and fourteen of the attendees were neighboring property owners. The neighboring property owners expressed concerns and objections about increased traffic, increased density of dwellings, size of duplexes, water detention and drainage, trash pickup, pets, height of structures, and the general development. The Engineer took a poll to get an idea of who was against the development or had concerns and nine of the attendees showed concern about the development.

STAFF COMMENTS

Staff is in receipt of an email from the applicant, Ron Brixey, requesting this item be tabled in order for him to re-evaluate the layout. The email requesting the tabling is included in the packet.

STAFF RECOMMENDATION

Staff recommends approval of the request to table until the applicant is ready to submit the new layout.

From: [HUGH MAURRAS](#)
To: [Andrews, Brenda](#)
Subject: [EXT]Maurras/Brixey, rezoning request for 2800 So. 21st. St. Et al.
Date: Wednesday, September 04, 2019 4:15:42 PM

CAUTION: EXTERNAL-EMAIL This message originated from outside the organization. Please do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Brenda- as per our joint telephone call with Ron Brixey please accept this request to table the above referenced zoning change until the following month's planning commission meeting. This should give us enough time to re-evaluate our layout and hopefully placate the concerned neighbors.

Respectfully submitted,

Hugh Maurras.

Sent from my iPhone

Development Plan #8-9-19: Multifamily Development 2800 S 21st St & 2001, 2005 & 2009 Country Club Ave



August 20, 2019

1:3,464



- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks

Master Land Use, Rezoning and Development Plan

2800 South 21st Street, 2001, 2005 and 2009 Country Club Avenue

Legend





OWNER:
FELIX VOZEL
2212 SOUTH X STREET
FORT SMITH AR 72901

DEVELOPER:
HUGH MAURRAS
3509 OLD OAKS LANE
FORT SMITH AR 72903
479-414-2495

VICINITY MAP
1" = 500'

LEGEND

- WATERLINE
- WATER METER
- FIRE HYDRANT
- GAS METER
- MANHOLE
- GUY WIRE
- LIGHTPOLE
- POWERPOLE
- TELEPOLE
- DRAINAGE PIPE
- SEWERLINE
- GAS LINE
- BUILDING SETBACK LINE
- OVERHEAD ELECTRIC
- SIDEWALK
- CONCRETE PARKING
- ASPHALT STREET
- PROPOSED LANDSCAPING/SCREENING
- >2" RED MAPLE TREE
- MIN. 24" BURFORD HOLLY SHRUBS
- GRASS
- PARKING/LANDSCAPING

SCALE IN FEET



BASE OF BEARING: Grid North as determined by GPS Observation.

CURRENT ZONING: RSD-2 (Residential Single Family Duplex)

PROPOSED ZONING: Residential Multifamily (RM-3)

PROJECT ADDRESS: 2001, 2005 & 2009 COUNTRY CLUB AVE

LOT AREA: 32,855.43 Sq. Ft. / 0.75 Acre

LOT COVERAGE: 10,992.87 Sq. Ft. = 33.46%

PROJECT ADDRESS: 2800 SOUTH 21ST STREET

LOT AREA: 106,341.02 Sq. Ft. / 2.44 Acre

LOT COVERAGE: 36,642.90 Sq. Ft. = 34.48%

SURVEYOR'S CERTIFICATION

I, Ronald N. Bixey, a registered land surveyor in and for the State of Arkansas, do hereby certify that the foregoing is a correct and true plat of the land described in the plat of Lots 8 & 9 Block 45 Park Hill Addition, also known as 2001, 2005 & 2009 Country Club Avenue, Fort Smith, Sebastian County, Arkansas, and a survey of Part of the Northwest Quarter (NW/4) of the Northwest Quarter (NE/4) of Section 28, Township 8 North, Range 32 West, also known as 2800 South 21st Street, Fort Smith, Sebastian County, Arkansas being more particularly described as follows: Commencing at the Northwest corner of said NW/4 of the NE/4; thence S 86°52'10" E, 43.16 feet along the North line of said NW/4 of the NE/4; thence S 03°07'50" W, 25.00 feet to the Point of Beginning; thence S 86°52'10" E, 355.00 feet; thence S 03°05'58" W, 300.00 feet; thence N 86°52'10" W, 375.10 feet; thence N 03°18'35" E, 279.15 feet; thence N 47°02'29" E, 28.94 feet to the point of beginning.

FLOOD STATEMENT

Per the Flood Insurance Rate Map for Sebastian County, Arkansas and Incorporated Areas Map No. 05131C0110F, Revised on March 02, 2012, this property does not lie in a designated flood hazard area.

Parking Lot Landscaping screening shall consist of shrubs of an evergreen nature, be at least 24 inches tall at the time of planting, be spaced closely enough together so as to create a seamless row of screening, and reach the required height of 3 feet above the finished elevation of the parking lot within 24 months. All landscaping will be cared for and maintained in accordance with the Landscape Management Plan.

PARKING - 26 DWELLING UNITS/2 SPACES PER UNIT = 52 SPACES REQUIRED & 52 SPACES PROVIDED

SOUTH TRACT - PROPOSED INTERIOR PARKING & LANDSCAPING - 17,456.34 SQ.FT. VEHICLE USE AREA

SOUTH TRACT - PROPOSED INTERIOR LANDSCAPE REQUIRED 872.82 S.F. / 2562.10 S.F. PROVIDED

PROVIDED INTERIOR LANDSCAPING WILL BE VEGETATED WITH GRASS AND BE IN ISLAND FORM AS DEPICTED.

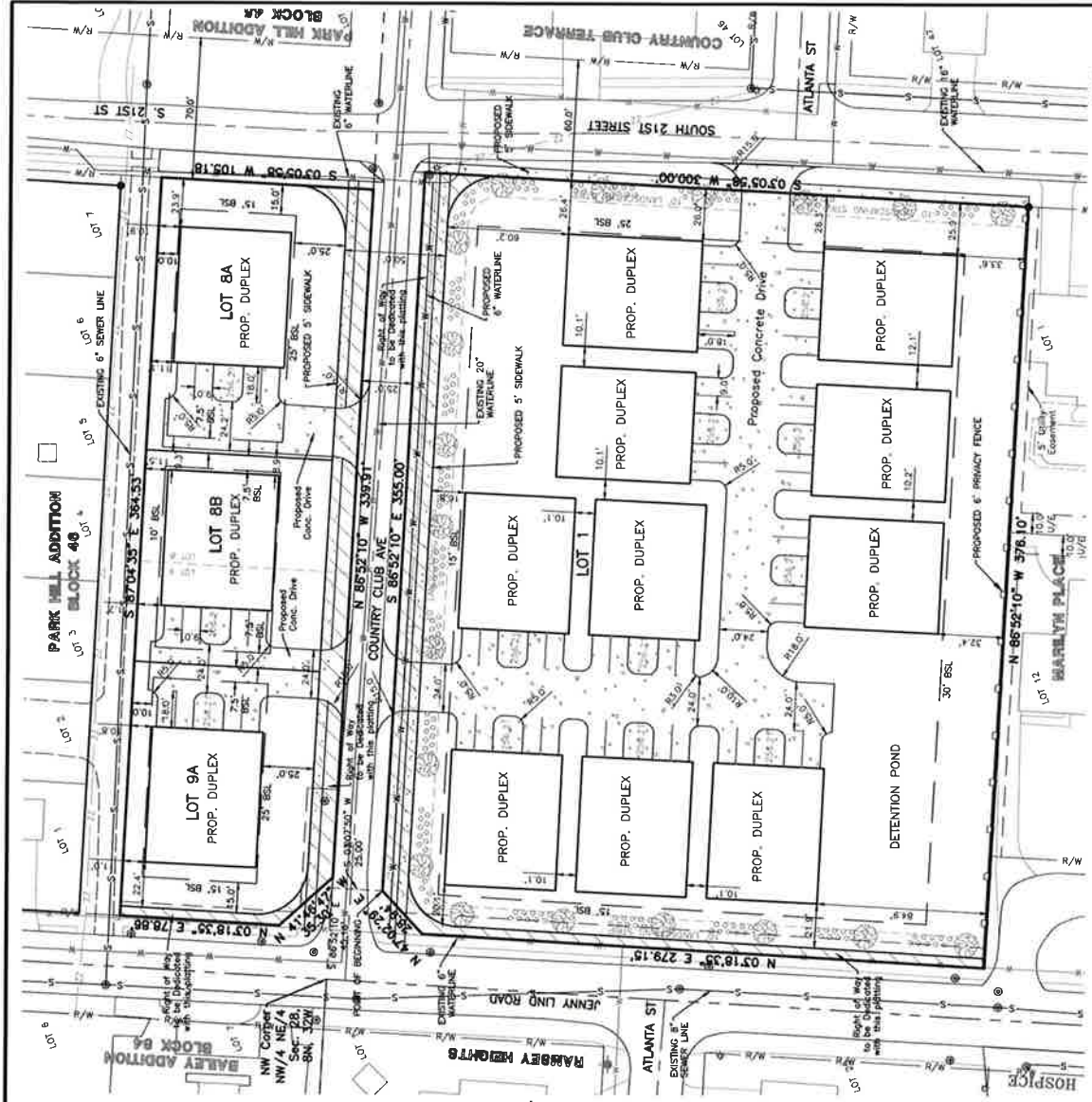
SOUTH TRACT R/W 916.34 feet = requires 19 trees & 184 shrubs - 19 trees and 184 shrubs provided

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BRIXEY ENGINEERING & LAND SURVEYING, INC.

CONSULTING ENGINEERS - LAND SURVEYORS

5223 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72906 (479) 646-6994



CERTIFICATION
I, Ronald Bixey, hereby certify that my signature and seal that to the best of my knowledge, this plan conforms to the standards of the City of Fort Smith, Arkansas Unified Development Ordinance (Ordinance No. 36-09) as adopted on May 19, 2009, including subsequent revisions and additions to date.

EXTERIOR LIGHTING
ALL EXTERIOR LIGHTING WILL COMPLY WITH UDO SECTION 27-602-5.

TRASH COLLECTION
ALL WASTE AND TRASH WILL BE KEPT INDORS EXCEPT COLLECTION DAYS.

SIGNAGE
ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY.



Revisions:

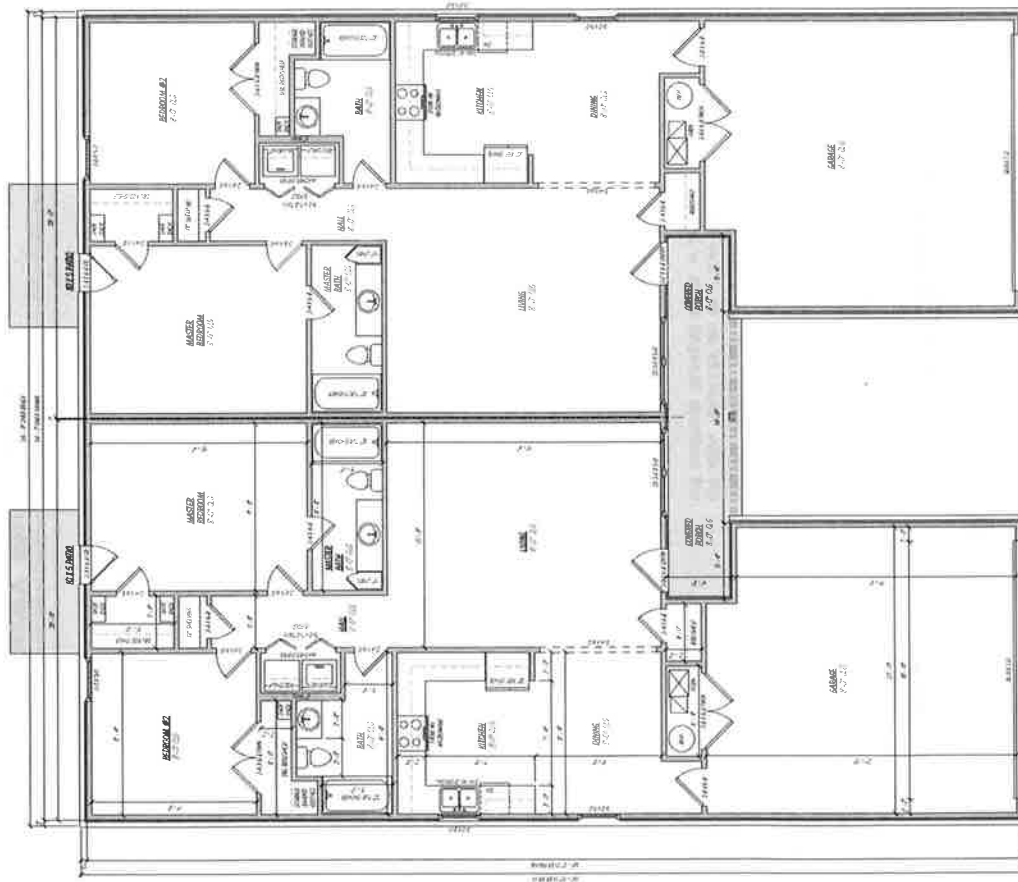


DEVELOPMENT PLAN

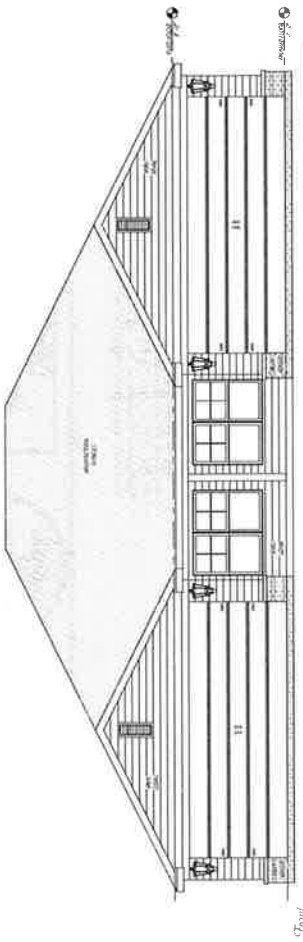
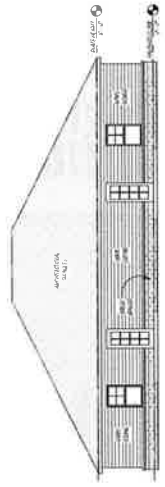
2001, 2005 & 2009 COUNTRY CLUB AND 2800 SOUTH 21ST STREET, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

Prepared for: Hugh Maurras

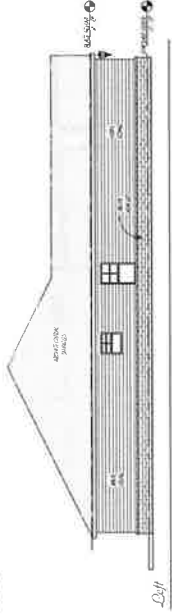
Date: 08/15/2018
Drawn By: RNB
Approved: RNB
Job No. 19-0148
Sheet



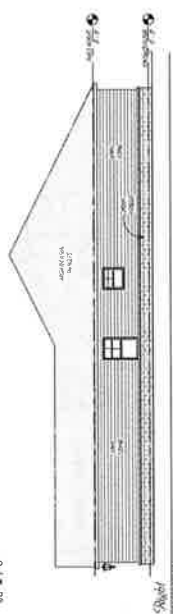
Floor Plan
18' x 15'



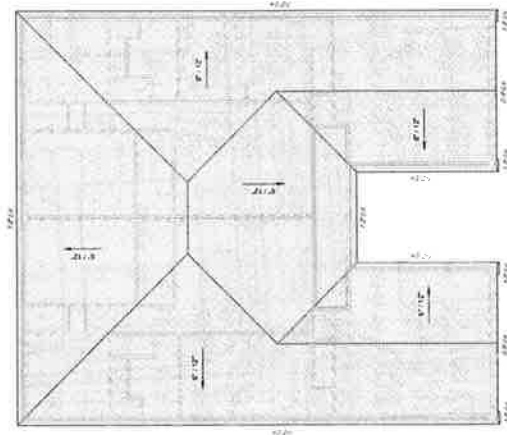
Front
18' x 15'



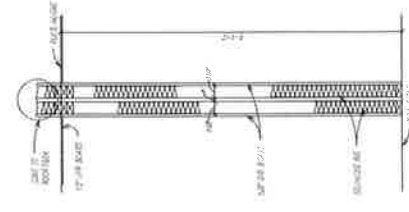
Rear
18' x 15'



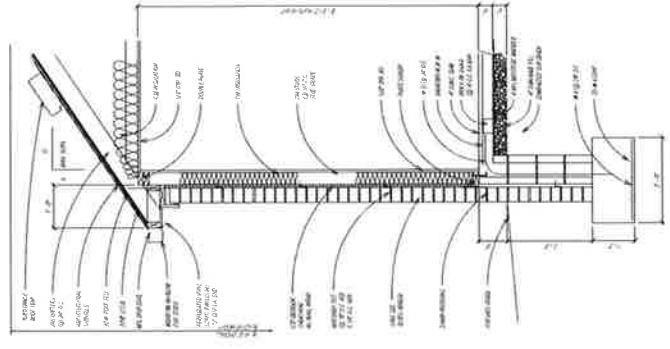
Left
18' x 15'



Roof Plan
18' x 15'



Cross Section
3' x 15'



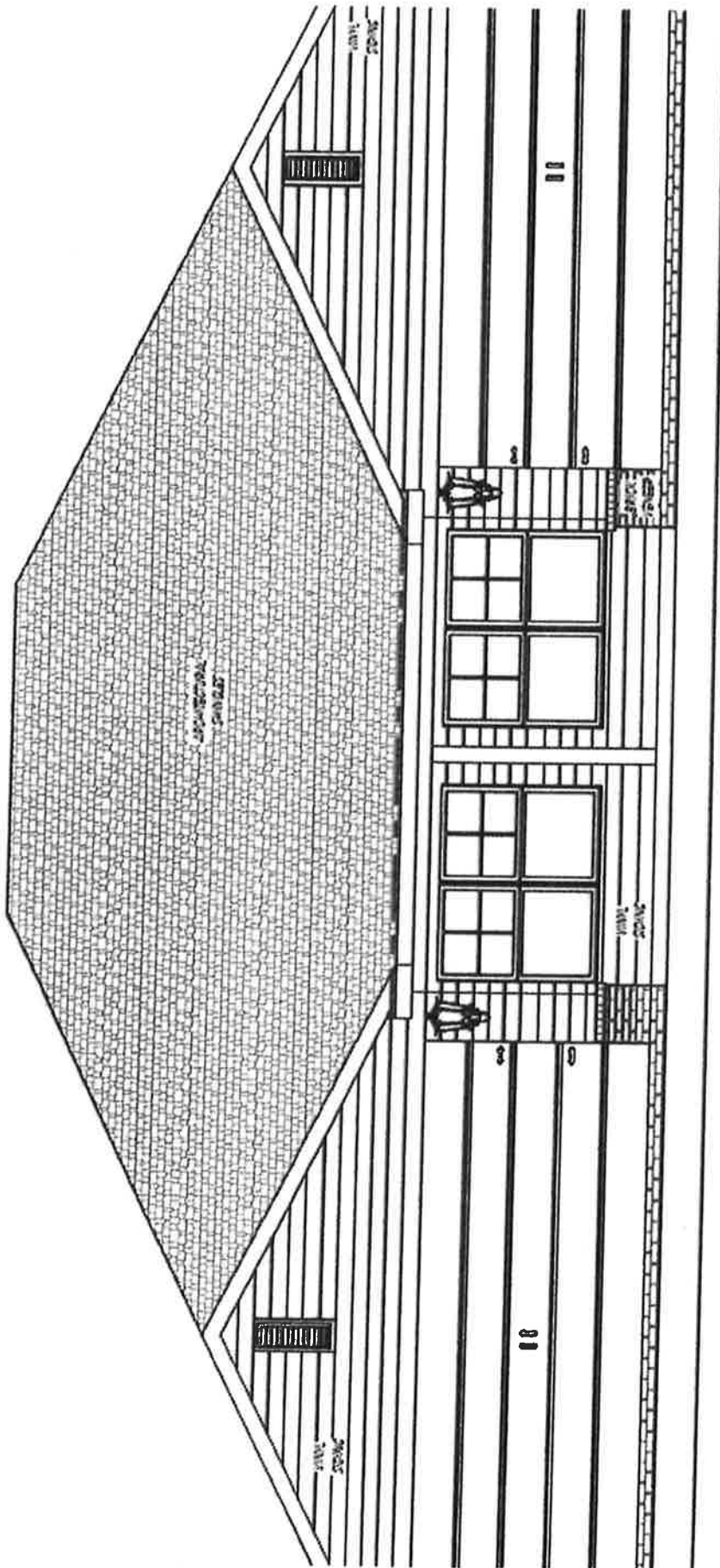
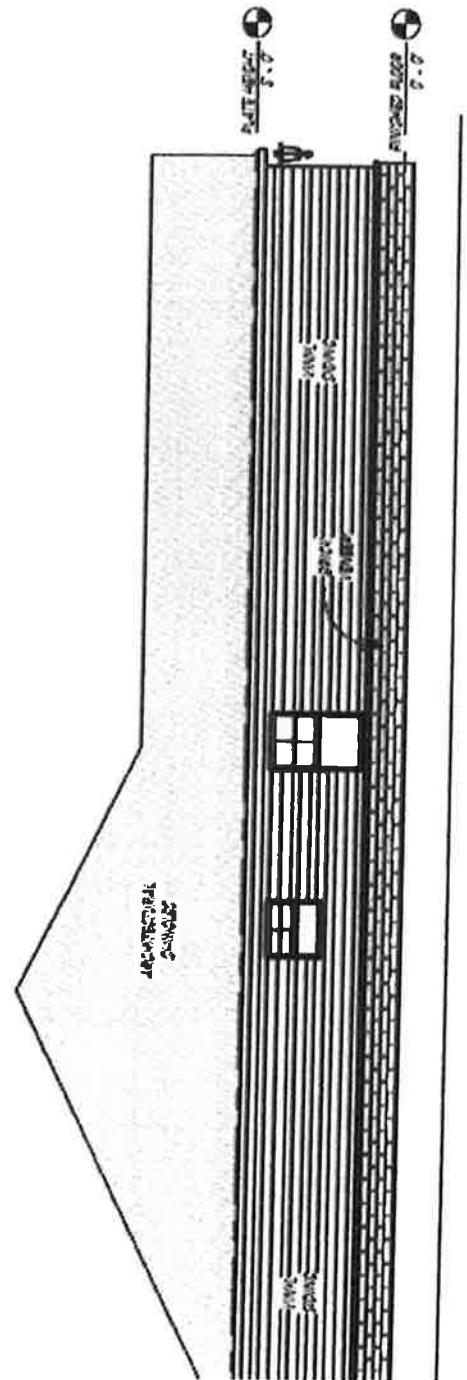
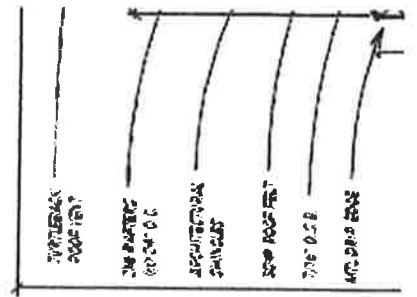
Top Detail Section
3' x 15'

SPECIFICATIONS	
1. ROOFING	Asph/Flt Shingles
2. INSULATION	R-19
3. FLOORING	1/2" Plywood
4. WALLS	8" CMU
5. CEILING	5/8" Drywall
6. FINISHES	See Notes

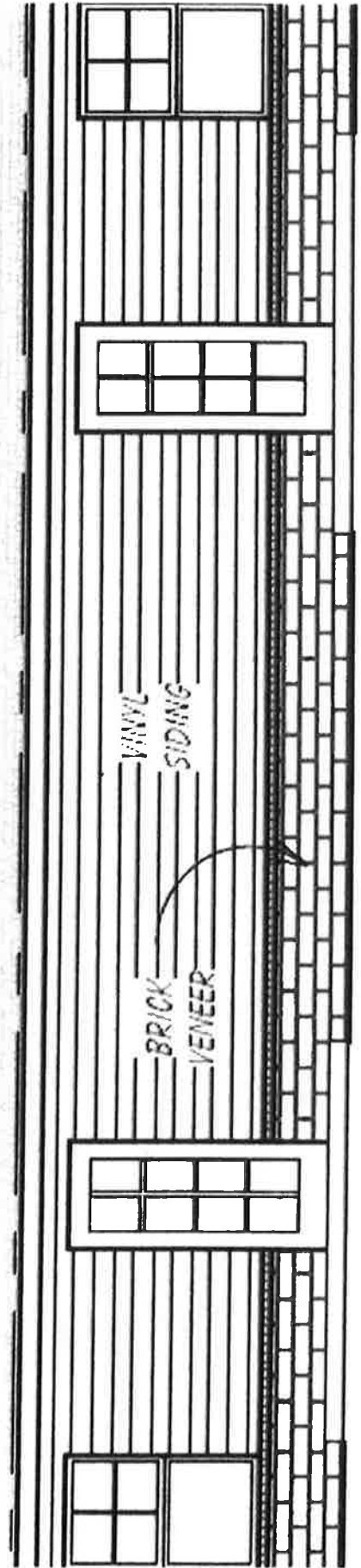


Duplex A
for
Hugh Maurras
Floor Plan, Roof Plan, Elevation,
Site Plan, V.I.C. Section

NOTES	
1.	See Notes for details.
2.	See Notes for details.
3.	See Notes for details.
4.	See Notes for details.
5.	See Notes for details.
6.	See Notes for details.
7.	See Notes for details.
8.	See Notes for details.
9.	See Notes for details.
10.	See Notes for details.



ARCHITECTURAL
SHINGLES



DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
Lots 8 and 9, Block 46, Parkhill Addition and part of the NW/4 of the NE/4 of Section 28, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas
2. Address of property: 2001, 2005, and 2009 Country Club Ave. and
2800 South 21st Street
3. The above described property is now zoned: _____
4. Does the development plan include a companion rezoning request?
Yes X No _____
5. If yes, please specify the companion application submitted:
 - ☒ Conventional Rezoning
 - ☐ Planned Rezoning
 - ☐ Conditional Use
 - ☐ Master Land Use Plan Amendment
 - ☒ Variance
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:
RM-3 by Extension
(Zoning Classification) (Extension or classification)
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:
See Development Plan

8. Total acreage of property 3.42 acres

Signed:

Ron Brixey

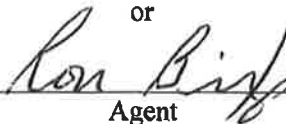
Owner or Agent Name
(please print)

Owner

5223 East Highway 45, Fort Smith, Arkansas 72916

Owner or Agent Mailing Address

or



Agent

479-646-6394 ext 1

Owner or Agent Phone Number

NOTICE OF PUBLIC HEARING (if applicable)

(Required only if submitted with rezoning, land use amendment, or conditional use application)

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Lots 8 and 9, Block 46, Parkhill Addition and a part of the NW/4 of the NE/4 of Section 28, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas

Address of property 2800 South 21st Str. & 2001, 2005, & 2009 Country Club Ave. has filed with the Director of Planning a
(Street Address)

written application pursuant to Section 27-331 of the Unified Development Ordinance of the City of Fort Smith, Arkansas, to request a development plan review.

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen(15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

Lots 8 and 9, Block 46, Parkhill Addition and a part of the NW/4 of the NE/4 of Section 28, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

None


Signature

(If no restrictive covenants exist, indicate "none".)*

AUTHORIZATION OF AGENT


If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

- | | |
|------------------------------------|--|
| 1. <u>Felix Vozel Estate</u> | <u></u> |
| 2. <u>Mary J Krutsch, Executor</u> | <u></u> |
| 3. <u></u> | <u></u> |
| 4. <u></u> | <u></u> |
| 5. <u></u> | <u></u> |
| 6. <u></u> | <u></u> |
| 7. <u></u> | <u></u> |
| 8. <u></u> | <u></u> |
| 9. <u></u> | <u></u> |
| 10. <u></u> | <u></u> |

This form is necessary only when the person representing this request does not own all property.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Fort Smith Main Library, 3201 Rogers Ave.

Meeting Time & Date 4:30 PM, August 8, 2019

Meeting Purpose Discuss Zone Change and Development Plan

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<i>Clara + Steve Stalin</i> Sue Hollis	2916 So. 21 st	479-831-2101
2.	Jabitha Horese	1921 Atlanta St	479-7385735
3.	Nancy Ahlert	2900 So. 21st.	479-926-8381
4.	Richard King	2901 So. 21st.	479-763-1419
5.	Raylene Mock	2100 Atlanta	479-653-3960
6.	Hugh Maurras		
7.	Tyler Miller	City of Fort Smith	479-784-2241
8.	SETH HOTT	2624 gl	479-7834989
9.	JOHN MC L MCILIN	2910 S 21 st	479-881-9803
10.	STEVE BRIDGES	1122 AZULON	479-646-8030
11.	Roger Johnson	2115 Country Club	479-783-1421
	SARKE Kewtson	Owner	651-7274
	& RENE Kech		

August 9, 2019

MINUTES OF NEIGHBORHOOD MEETING

On August 8, 2019 at 4:30 p.m. a Neighborhood meeting was held in the Carnegie Room at the Main Branch of the Fort Smith Public Library. The address of the library is 3201 Rogers Avenue. The meeting was held to discuss a proposed Zone Change from RSD-2 to RM-3.

The property involved in the proposal includes 2020 Country Club Avenue (south side) which is currently occupied by a single family dwelling and the property immediately across Country Club Avenue (north side) which has not been assigned an address and which is currently vacant.

The Zone Change requires that a Development Plan be included in the discussion. The proposals were initiated by the developer, Hugh Maurras.

The developer proposes to construct three duplex residences on the north side property and ten duplex residences on the south side property .

Seventeen people were in attendance. The City was represented by Tyler Miller of the Planning Department. Ron Brixey of Brixey Engineering presided. The developer was represented by Hugh Maurras. Fourteen in attendance were local residents.

Mr. Brixey presented a general explanation of the proposed development. The local residents asked general questions about zoning limitations and the overall development plan. These were answered in a general discussion with Mr. Brixey, Mr. Maurras, and Mr. Miller contributing answers.

Specific concerns were as follows:

1. Increased traffic on South 21st Street. It was generally agreed that the driveway on the south side of Country Club should be extended to tie into country club to allow more direct access to Jenny Lind Ave. The development plan indicated access only from South 21st.
2. Size and price range of proposed structures. A preference for single story structures was expressed.
3. Drainage paths and quantities. An explanation of the function of the proposed detention pond was provided.
4. Plans for trash pickup. It was explained that no dumpsters are proposed and that individual trash containers will be utilized and put out only on pickup days.
5. A question was raised concerning pets. Mr. Maurras stated that no pets would be allowed.

By a show of hands, no attendees were completely opposed to the proposal and 9 attendees expressed concern.

There was no further discussion and the meeting adjourned at approximately 5:45 P.M.

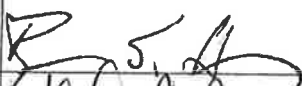
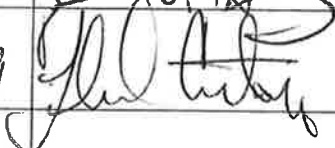
Comments from Steve Parke, 2212 Carthage

- The structure density of the proposed RM-3 zoning results in a development layout which is in stark contrast to, and is inconsistent with, the single-family dwelling settings which surround it in all directions.
- The development at the proposed RM-3 density reduces the available greenspace that would be present under the current RSD-2 zoning. The existing RSD-2 zoning density allows for greater separation of structures which creates an appearance more consistent with the surrounding neighborhoods.
- In addressing one of the neighborhood's concerns that the development may place two-story structures against adjacent properties, the developer's representative stated that the structures would be one-story. However, it should be noted that the developer's renderings of the duplex structures show that the structure's roof height (eave to ridge line) is a greater dimension than the sidewall height of the structure's occupied first floor making the overall building height equal to that of a two-story structure.
- The driveway proposed from the larger development tract onto South 21st Street should be eliminated or redirected to Country Club Avenue so that the vehicle traffic from the 10 duplex structures (20 units and potentially 40 vehicles) enter the more heavily trafficked perimeter streets through the controlled street intersections at both Jenny Lind Road and South 21st Streets.

Petition to [Action]

1. Petition Summary: MLUP #4-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Attached at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
2. Rezoning Application #19-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a rezoning from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) by extension at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.
3. Development Plan #8-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a duplex development at 2001, 2005 & 2009 Country Club Avenue and a multifamily development at 2800 South 21st Street.

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-21-19		Ryan S. Henry	2005 S. Y ST. FT. SMITH AR	
9-22-19		THAD CUTSINGER	2004 S YST FT SMITH AR	STOP DUPLEXES

Petition to [Action]

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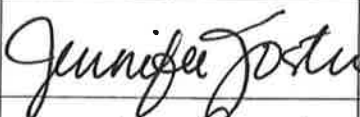
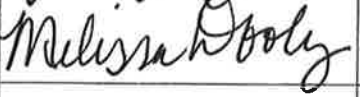



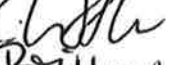
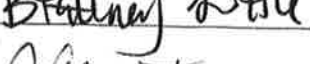
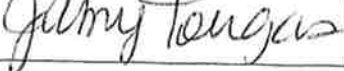
Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-21-19	Barbara E. Carter	BARBARA E. CARTER	2019 S. Y Street	Please do not allow this
9-21-19	Jacqueline Lovett	JACQUELINE LOVETT	2015 S. Y St	PLEASE DO NOT ALLOW the duplexes
9-21-19	Karen Bognen	KAREN BOGNER	2023 S. Y. St.	No Apartments No duplexes
9-21-19	Jennifer Lockwood	JENNIFER LOCKWOOD	2011 S. Y	Please do not allow
9-22-19	Charlotte Sheraden	Charlotte Sheraden	2020 S Y	Do not allow
9-22-19	Carolyn Black	CAROLYN BLACK	2020 S Y	Do not allow

Petition to [Action]

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Date	Signature	Printed Name	Address	Comment
9/19/19		Bernard Tougas	2606 S. 22nd St. Smith AR 72701	Not informed
9/19/19		PATRICIA ROBBINS	2520 So. 22nd Ft. Smith, AR 72701	OPPOSED
9/19/19		Jennifer Foster	2200 SO. Y St Ft. Smith AR 72701	OPPOSED
9/19/19		Melissa Dooly	2712 Dallas Cr. Ft. Smith, AR 72701	OPPOSED
9/19/19		Dustin Foster	2220 S Y St Ft. Smith, AR 72701	opposed
9/19/19		DANNY DODD	2122 S. Z STREET	opposed
9/19/19		Jennifer Dodd	2122 S. Z St	OPPOSED
9/19/19		Charles Little	2105 S. N St.	opposed
9/19/19		Britney Little	2105 S. N St.	opposed
9/19/19		Jamiy Tougas	2600 S. 22nd St.	opposed

Petition to [Action]

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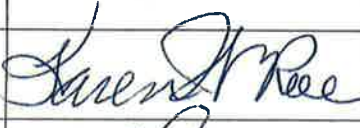


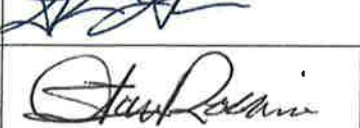
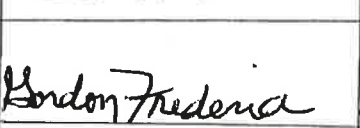


Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9-18-19		Stacy Scrivner	2119 South Z St. FSA 72901	opposed
9-18-19		GABRIEL SCRIVNER	2119 South Z St. FSA 72901	
9/18/19		Steve Bennett	2621 S 21 st	opposed

Petition to [Action]

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Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to reject the above request.

Date	Signature	Printed Name	Address	Comment
9/17/19		Karen W Roe	2100 So W.	No change
9/17/19		William A. Roe	2100 So W	No Change
9/17/19		Noel Calvo	2208 Earthinge	opposed
9/17/19		Hannah Harmon	2225 S. Y St	opposed
9/17/19		STAN ROBBINS	2222 S. "Z" St. FSM	opposed
9/19/19		Gordon Frederick	2115 South "Z" St	opposed
9-19-19		Tanya Frederick	2115 South "Z" St	opposed

Petition to [Action]

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Date	Signature	Printed Name	Address	Comment
9-16-19	P.K. Holmes	P. K. HOLMES	2620 S. 22 nd	OPPOSE THE REQUEST
9-16-19	Kay Holmes	Kay Holmes	2620 S. 22 nd	Oppose + were not notified before now
9-16-19	Ali Sampson	Ali Sampson	2209 South X	Oppose
9-16-19	Don King	Donald F. King	2200 So. Z	opposed!
9-16-19	Suzanne King	Suzanne King	2200 So. Z	opposed
9-16-19	Catherine Arnstong	Catherine Arnstong	2210 S Z	opposed
2019/9/16	Alan DeWitt	ALAN DEWITT	2210 S. Z	OPPOSED
9/16/19	Troy Cowne	Troy Cowne	2727 S. 22	opposed
9/16/19	Suzanne Cowne	SUZANNE COWNE	2727 S. 22nd	opposed

Memo

To: City Planning Commission

From: Planning Staff

Date: October 3, 2019

Re: Conditional Use #19-10-19 - A request by Stephanie Stipins, Executive Director of the Greater Fort Smith Association of Home Builders and agent for Lakia Dale and Daylan Conzley, for Planning Commission consideration of a Conditional Use request to rebuild a single-family house in an Industrial Light (I-1) zone located at 416 South U Street

PROPOSED CONDITIONAL USE

Approval of the conditional use allow the reconstruction of an existing single-family residence that was damaged and rendered uninhabitable during a recent flood in July. The Greater Fort Smith Association of Home Builders has volunteered to rebuild the house for the property owners.

LOT LOCATION AND SIZE

The subject property is on the south side of South U Street between State Line Road and South 7th Street. The tract contains an approximate area of 1.3 acres with approximately 125 feet of street frontage along South U Street.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1). Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Industrial Light (I-1) and is partially undeveloped and developed as the Port Authority of Fort Smith.

The areas to the east and west are zoned Industrial Light (I-1) and are developed as single family residences.

The area to the south is zoned Industrial Light (I-1) and is developed as a warehouse

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South U Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Office, Research and Industrial. This classification is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The site will have one driveway located on South U Street.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Flood Plain – Engineering Department approval of a Flood Plain Development Plan is required as a portion of the house will be in the 100-year flood plain.

Right-of-way dedication – No new R.O.W. dedication is required.

Parking – The site plan shows a gravel driveway on South U Street with a carport for parking.

Setbacks – The house will comply with the setbacks for the Industrial Light (I-1).

Architectural features – The plans show an approximate 1,200 s.f. single story residence with a porch.

Height and Area – The plans indicate a single story dwelling unit.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Wednesday, September 18, 2019, at 4:30 P.M. at the Central Mall Community Room. No surrounding property owners attended the meeting.

STAFF COMMENTS

Section 27-118-2 of the Unified Development Ordinance states that a structure housing a non-conforming use that is destroyed or damaged to the extent that the cost of repair is more than 50% of the value of the structure after repair shall not be replaced unless the following conditions are met:

- 1) Planning Commission approval of a conditional use
- 2) Construction is completed within one-year from the date of loss
- 3) The structure shall be adapted for the same use as the previous structure
- 4) The structure shall not exceed the bulk and area characteristics of the previous structure

STAFF RECOMMENDATIONS

Staff recommends approval of the application with the following comments:

- 1) Compliance with the submitted site plan
- 2) Compliance with UDO Section 28-118-2
- 3) Submittal of a Flood Plain Development Plan for review and approval by the Engineering Department approval

27-118-2 Nonconforming Use of Structures

A. A nonconforming use of a structure may be continued unless such use of the structure is abandoned, provided that this provision shall not be construed to approve continuation of an activity constituting a nuisance or any activity prohibited by statute or ordinance applicable to the use.

B. A structure housing a nonconforming use shall not be enlarged or extended, either by an addition to or an alteration of the structure. Permits for existing single family dwellings located in commercial and industrial zoning districts are allowed for non-livable spaces, such as decks, garages, patios, storage buildings, or carports and livable areas not to exceed 25% of the current gross square footage of the principal structure as long as the construction is within the bulk and area requirements of the residential zone which most nearly corresponds to the minimum lot dimensions.

C. A nonconforming use of a structure may be changed to a use permitted in the same classification in which the original use is listed. However, if the original use is listed in multiple zoning district classifications, then the nonconforming use of a structure may only be changed to a use permitted in the most restrictive zoning district classification in which the original use is listed.

D. A nonconforming use of a structure once abandoned or changed to a conforming use cannot be changed to a nonconforming use.

E. A nonconforming use of a structure which shall cease for a continuous period of more than one (1) year shall be deemed abandoned (see definition of abandonment).

F. A structure housing a nonconforming use that is destroyed or damaged to the extent that the cost of repair is more than fifty (50) percent of the value of the structure after repair shall not be replaced unless all of the following conditions are met:

1. A conditional use application is presented to the Planning Commission in accordance with section 27-332 of this chapter;
2. The conditional use is approved by the planning commission;
3. Construction is completed within one (1) year from the date of the loss; the determination of "cost of repair" shall be based on the anticipated cost of a repair performed by a contractor in the ordinary course of the construction industry, and the determination of the "value of the structure after repair" shall not include real property value. Both determinations shall be made by the Director;
4. The structure shall be adapted for the same use as the previous structure; and
5. The structure as built shall not exceed the bulk and area characteristics of the previous structure;
6. Provided, a maximum time extension not to exceed sixty (60) calendar days may be granted upon written application of the owner to the Director, provided substantial progress has been made to repair the structure.

Conditional Use # _____

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: LAKIA DALE, DAYLAN Andrew Conzley

Name of Authorized Agent (if applicable) Stephanie Stipins

Legal Description of property included in the conditional use request:

E 50' LT 3 & LT 5 Exec N 100' E 50'

Street Address of Property:

416 S 11 St

Existing Zoning Classification:

Industrial

Proposed Zoning Classification (if applicable):

Residential

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Rebuild single family home due to flooding

What amenities are proposed such as landscaping and screening?

N/A

Stephanie Stipins
Owner or Agent Name (please print)

5111 Roger Ave. Suite 531
Owner or Agent Mailing Address
FORT Smith, AR 72903

479.883.7126
Owner or Agent Phone Number

Signed:

Lakia Dale Daylan Conzley

Owner

Or

Stephanie Stipins

Agent

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a conditional use by application do hereby authorize Stephanie Stevens to act as our agent in the
(Print Name of Agent)
matter.

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. LAKia Dale

Lakia Dale

2. Dylan Andrew Conzley

Dylan Conzley

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

This form is necessary only when the person representing this request does not own all the property.

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

South Heights #2
E 50' of lot 3 : E lot 5 except the north
100' of E. 50'

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

none

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

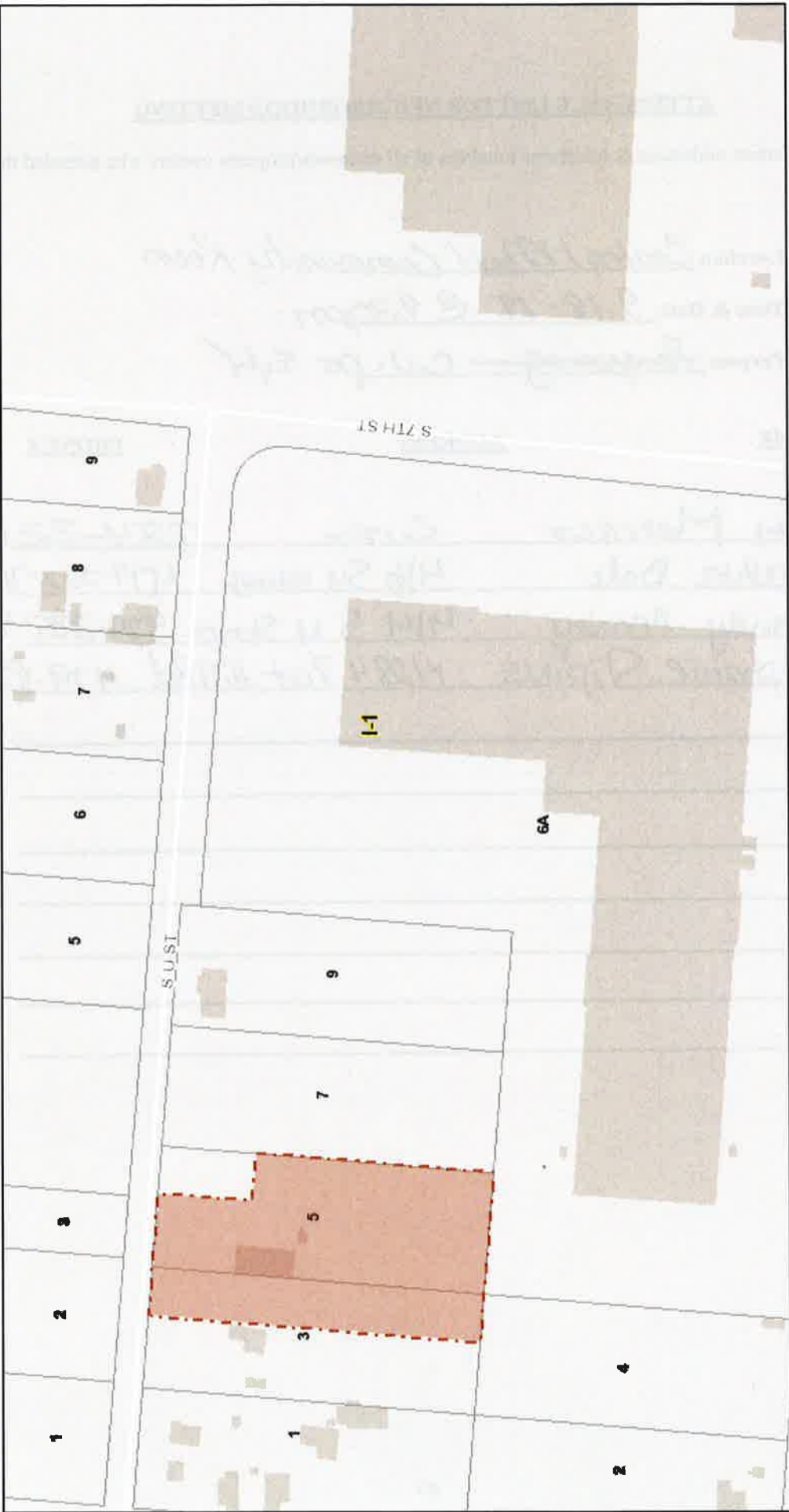
Meeting Location Central Mall Community Room

Meeting Time & Date 9-18-19 @ 4:30pm

Meeting Purpose ~~Re-zoning~~ C.U. per Tyler

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Tom Monner	City	784-2218
2.	Lakia Dale	4116 S U Street	479-222-7131
3.	Brandy Conzley	414 S U Street	479-285-9596
4.	Stephanie Stipins	14284 Tut Hill Rd	479.883.7126
5.			
6.			
7.			
8.			
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10.			
11.			

Conditional Use #19-10-19: Single Family Development 416 South U Street



September 17, 2019

- Fort Smith City Limits
- Water Bodies
- Zoning
- Public Schools
- Subdivisions
- Parks



Conditional Use

416 South U Street

Legend





A1.0



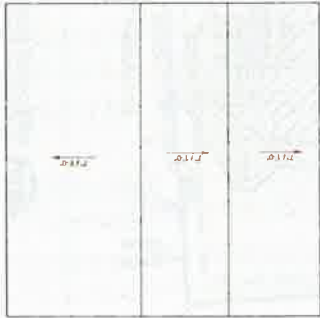
FIRST FLOOR
PLAN, ROOF
PLAN, SECTION &
SCHEDULES

DATE

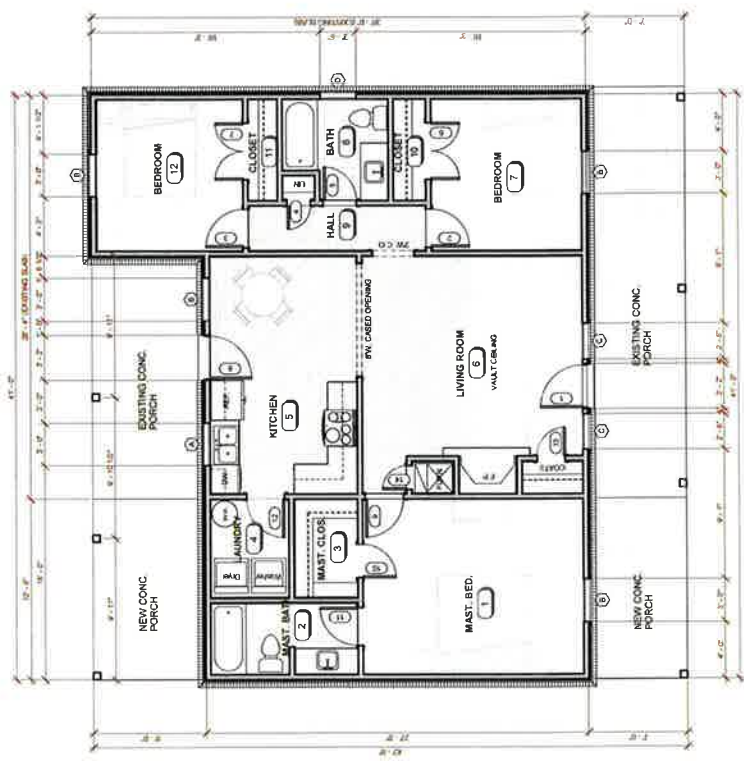
REVISIONS

DATE 9.19.19
PROJECT 19.06

A2.0



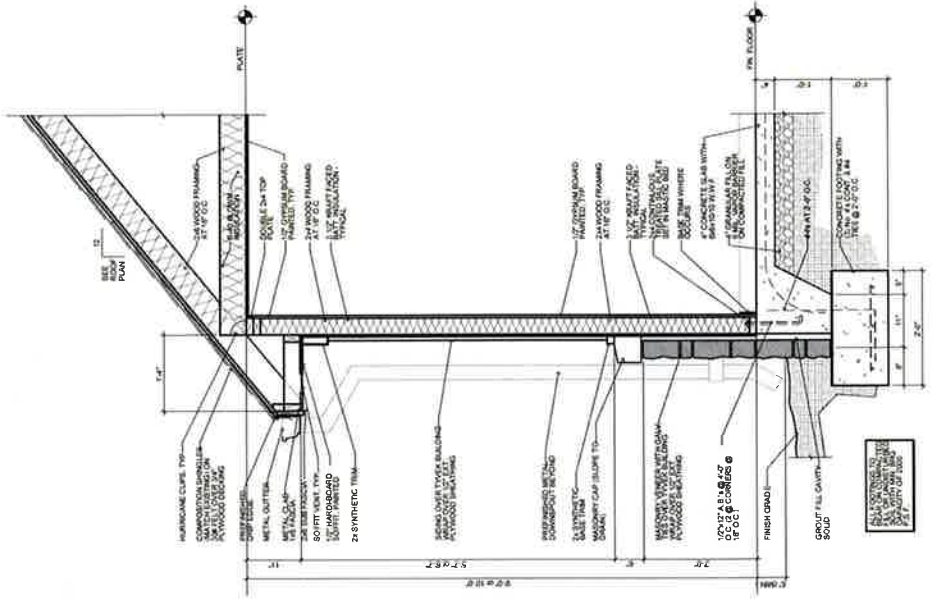
③ SIDE PLAN
18'0" x 14'0"



① FIRST FLOOR PLAN
18'0" x 14'0"

FLOOR MATERIAL SCHEDULE		
FLOOR COVERING	AREA	
CARPET	480 SF	
TILE	50 SF	
WOOD	400 SF	
CONCRETE	1500 SF	

WINDOW COUNT SCHEDULE		
TYPE	COUNT	DESCRIPTION
1	1	12'0" x 14'0" DOUBLE HUNG WINDOW
2	1	12'0" x 14'0" DOUBLE HUNG WINDOW
3	1	12'0" x 14'0" DOUBLE HUNG WINDOW
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100	1	12'0" x 14'0" DOUBLE HUNG WINDOW



③ TYP. WALL SECTION
1' x 1'0"

Memo

To: City Planning Commission

From: Planning Staff

Date: October 4, 2019

Re: Conditional Use #18-10-19 - A request by Ronald Tran, owner, for Planning Commission consideration of a Conditional Use request to develop a mobile food court located at 3701 Grand Avenue.

PROPOSED CONDITIONAL USE

The conditional use will allow for a three unit mobile food court with seven parking spaces, landscaping, dumpster with screening, and privacy fence.

LOT LOCATION AND SIZE

The subject property is on the northeast corner of North 37th Street and Grand Avenue. The tract contains an area of 0.47 acres with approximately 137 feet of street frontage along Grand Avenue and 150 feet of street frontage along North 37th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2).
Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Collector or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is developed as single family residence.

The area to the east is zoned Commercial Light (C-2) and is developed as single family residences and abandoned commercial buildings.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is developed as Tilles Park.

The area to the west is zoned Commercial Light (C-2) and is developed as a commercial office building.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Grand Avenue as a major arterial and North 37th Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site Commercial Neighborhood. This land use is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress will take place from the drive entrance on Grand Avenue, and all egress will exit on the driveway located on North 37th Street.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – No drainage information has been provided.

Landscaping – The plans show perimeter landscaping along with landscaping used for parking lot screening.

Screening – The plans show 24" box wood shrubs for parking lot screening and a 6' wood privacy fence to the north to screen the mobile food court. However, since there is an existing privacy fence installed, it is not necessary for the applicant to install a duplicate fence.

Parking – The plans indicate that the traffic will be one way with seven total vehicle parking spaces and three mobile unit locations.

Signage – No signage information is shown at this time.

Lighting – No site lighting information is shown at this time.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Wednesday, September 25, 2019 at 1:00 P.M. on site. No neighboring property owners attended the meeting.

STAFF COMMENTS

The Planning Commission previously approved a conditional use for an eleven space mobile food court on September 13, 2016. In staff's opinion the layout with fewer spaces available for mobile food trucks will have less of an impact on the neighboring properties.

STAFF RECOMMENDATIONS

Staff recommends approval contingent upon the following:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The applicant shall install an RPZ after the meter and grease interceptors if required by the utility department.
3. A curb or barrier shall be installed on the perimeter of the property to keep gravel from washing onto the sidewalks, R.O.W., alley, and neighboring properties.
4. Parking in the right-of-way of North 37th Street and the alley by the food truck operators and patrons is not permitted.
5. A privacy fence on the north side of the development is not required at this time. However, if the existing fence is removed, the applicant shall install a 6' foot privacy fence.

Conditional Use # _____

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: RONALD TRAN

Name of Authorized Agent (if applicable) _____

Legal Description of property included in the conditional use request:

FOOD TRUCKS + ENTERTAINMENT

Street Address of Property:

3701 GRAND AVENUE FORT SMITH, ARKANSAS 72901

Existing Zoning Classification:

C-2

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Gravel + Concrete sidewalks, curbs removal + refinishing for the city

What amenities are proposed such as landscaping and screening?

10 foot landscaping, 6 ft privacy fence, water utility + electric utility

RONALD TRAN

Owner or Agent Name (please print)

2111 GRAND AVENUE

Owner or Agent Mailing Address

479.462.1409

Owner or Agent Phone Number

RonaldVTran@gmail.com

Signed:

Ronald Tran

Owner

Or

Agent

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

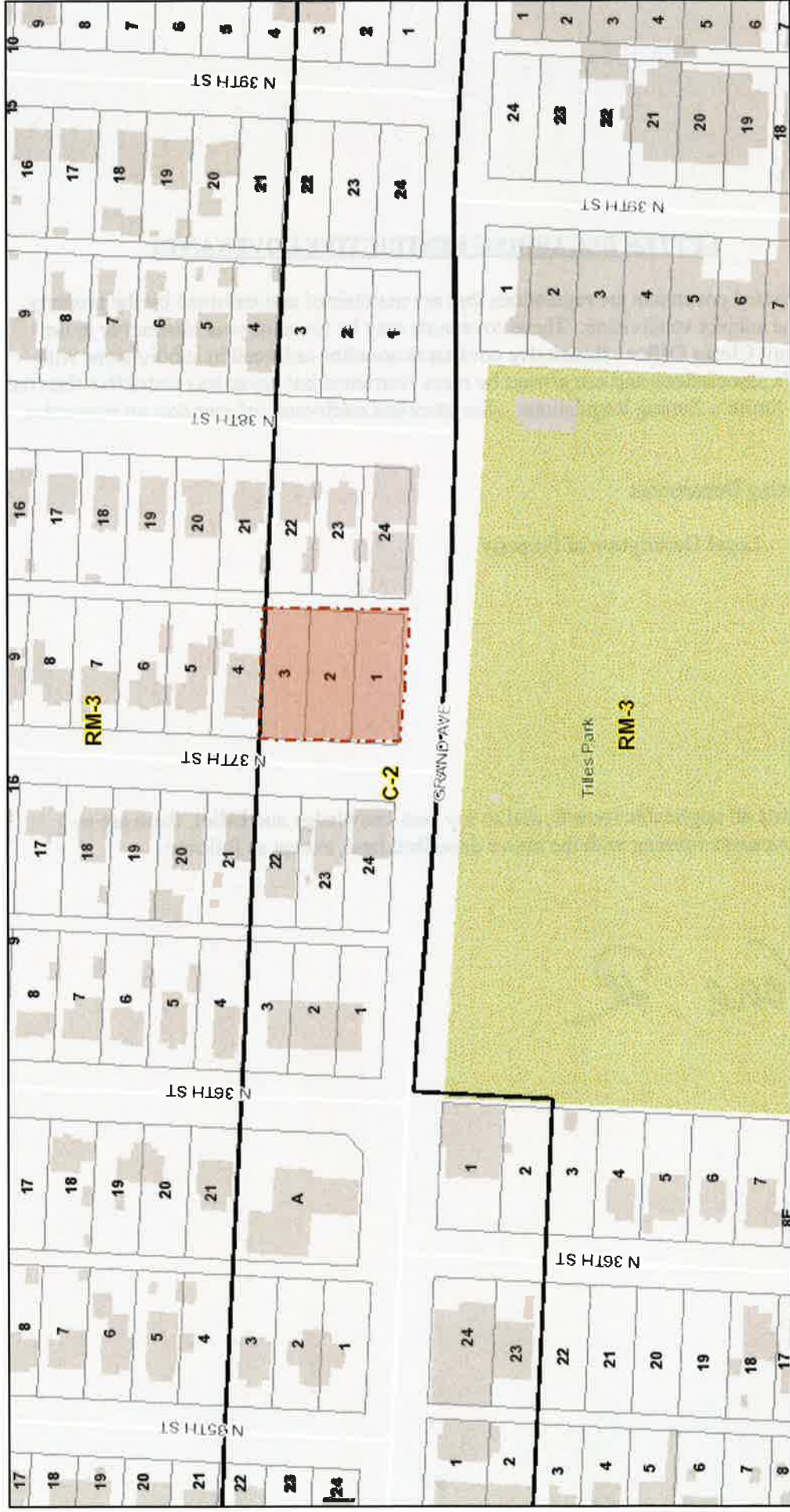
TO: Planning Department

SUBJECT: Legal Description of Property

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

None R

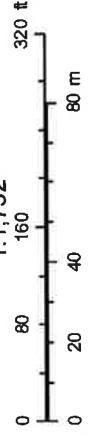
Conditional Use #18-10-19: Mobile Food Court 3701 Grand Avenue



September 17, 2019

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks

1:1,732



Conditional Use

3701 Grand Avenue

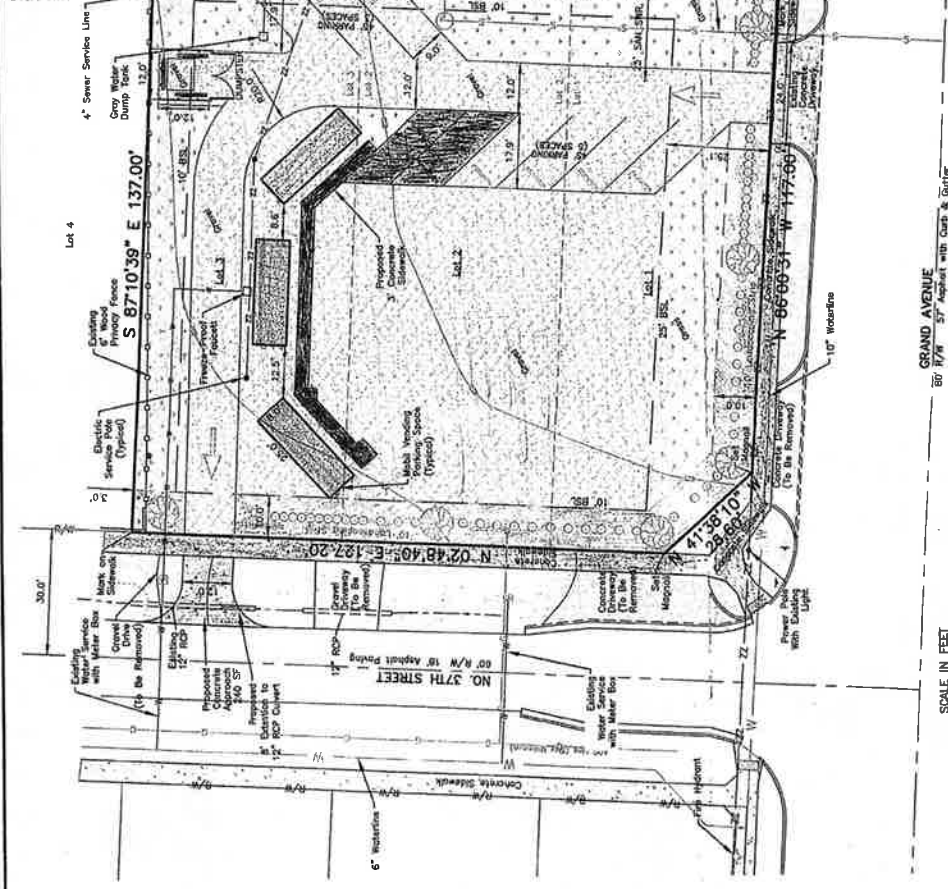
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Google Earth

© 2013 Google

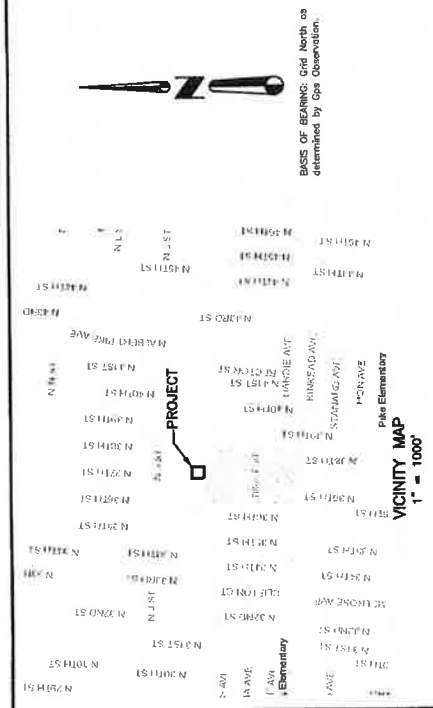
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 This drawing is the property of Brixey Engineering & Land Surveying, Inc. and is not to be reproduced, copied, or used in any way without the written consent of Brixey Engineering & Land Surveying, Inc. All rights reserved.



CERTIFICATION
 I, Ronald Brixey, hereby certify by my signature and seal that to the best of my knowledge, this plan conforms to the standards of the City of Fort Smith, Arkansas Unified Development Ordinance (Ordinance No. 36-09) as adopted on May 19, 2009, including subsequent revisions and additions to date.

NOTE: The boundary and survey monuments represented herein are based upon a previous survey prepared and provided by Philip J. Lerneris, Drawing No. 158-683 Dated 10/19/2016.

EXTERIOR LIGHTING
 ALL EXTERIOR LIGHTING WILL COMPLY WITH UDO SECTION 27-002-5.
 SIGNAGE WILL BE PERMITTED SEPARATELY



LEGEND

- WATERLINE
- WATER METER
- FIRE HYDRANT
- SANITARY SEWER SERVICE
- SEWERLINE
- WATER SERVICE
- BUILDING SETBACK LINE
- OVERHEAD ELECTRIC
- CONCRETE WALK, PAD & HANDICAP PARKING
- GRAVEL DRIVE & PARKING

FLOOD ZONE STATEMENT
 THE PROPERTY IS LOCATED IN ZONE X-2 BEING OUTSIDE THE 500 YEAR FLOOD AREA SHOWN ON THE FLOOD MAP ON P.L.M. MAP NO. 051310000E, DATED MAY 20, 2010.

ZONING: C-2 COMMERCIAL MODERATE
AREA: 14665 Sq. Ft. or 0.34 Acres

PROPOSED LANDSCAPING/SCREENING
 >2" DOGWOOD TREE
 MIN. 24" BOXWOOD SHRUBS
 INTERIOR GRASS



NOTE: All water service line tubing to be Phillips Series 8600, SDR 9.33

INTERIOR PARKING - 3 Mobile Vending Spaces @ 1.5 Parking Spaces/Unit = 4.5 Spaces Required - 8 spaces Provided.

Parking Lot Landscaping screening shall consist of shrubs of an evergreen nature, be at least 24 inches tall at the time of planting, be spaced closely enough together so as to create a seamless row of screening, and the required height of 3 feet above the finished elevation of the parking lot within 24 months. An irrigation system will be provided for Landscaping Maintenance.




BRIXEY ENGINEERING & LAND SURVEYING, INC.
 CONSULTING ENGINEERS - LAND SURVEYORS
 5223 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72906 (479) 648-8394

REVISIONS:

12/20/16	- Various Revisions
1/23/17	- RV Hookup Details
1/28/18	- Various changes
8/19/18	- NEW LAYOUT

SITE PLAN
 3701 GRAND AVENUE
 LOTS 1, 2 & 3 BLOCK 28
 HAWTHORNE PLACE
 CITY OF FORT SMITH, ARKANSAS

Prepared for: Ronald Brixey

Date: 12/12/2016
 Drawn By: RMB
 Approved: [Signature]
 Job No: 16-0007
 Sheet

Memo

To: City Planning Commission

From: Planning Staff

Date: September 26, 2019

Re: Rezoning #21-10-19 - A request by Scott Archer, agent and co-owner, for Planning Commission consideration of a zone request from Not Zoned to Planned Zoning District by classification at 7405 Ellis Street

PROPOSED ZONING

The applicant is requesting zoning in order to obtain a building permit for a potential tenant. Placing zoning on the property will allow the owners to utilize the building to its full potential.

LOT LOCATION AND SIZE

The subject property is on the northwest side of Ellis Street between Darby Avenue and Ward Avenue. The tract contains an area of 2.91 acres with approximately 755 feet of street frontage along Ellis Street.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

The property currently has no zoning.

SURROUNDING ZONING AND LAND USE

The area to the north is not zoned and is undeveloped.

The area to the east is not zoned with a portion zoned as a PZD and is developed as Fort Smith Brewing Company, heating and air company, or vacant buildings.

The areas to the south are not zoned and are developed as a warehouse.

The area to the west is not zoned and a portion zoned as a PZD and is developed as an insurance office, yoga studio, barber shop, or vacant.

MASTER STREET PLAN CLASSIFICATION

Ellis Street is a private street and is not classified.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Master Land Use Plan classifies the site as Mixed Use: Historic Area. This classification is designated to facilitate the creation of a pedestrian-friendly environment to encourage the redevelopment of the historic core into a community and/or tourist destination. This classification is intended to preserve key existing Chaffee Crossing buildings by renovations, have infill development that has a contextual relationship with surroundings, and provide amenities in the open spaces with plazas, streets, and parks to reinforce the mixed use historic area.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **YES**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **YES**

- F. The required right-of-way dedication has been identified by the City Engineering Department? **YES, none required**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The proposed development is office space with minimal traffic requirements**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **No exterior improvements are proposed.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The existing parking is adjacent to the front of the building with no changes proposed.

Landscaping & Screening – None proposed

Parking – No new parking is proposed

Signage – No signage is proposed at this time. The applicant stated in the future they may consider installing a monument sign. In order to install a monument sign, a DRC variance from the Chaffee Crossing design standards will be required.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.

- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, September 25, 2019 at 7405 Ellis Street.

There were no neighboring property owners in attendance.

STAFF COMMENTS AND RECOMMENDATIONS

The applicant is requesting zoning in order to obtain a building permit for a potential tenant. The PZD will allow the owners to utilize the building to its full potential.

Staff recommends approval of the application.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
2. Address of property: 7405 Ellis Street, Fort Smith, AR 72916
3. The above described property is now zoned: NOT ZONED
4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.
5. Explain why the Planned Zoning District is requested?

DEVELOPMENT OF PROPERTY

Scarcher@hnsaconsultants.com

SCOTT ARCHER

Owner or Agent Name
(please print)

**7405 ELLIS STREET
FORT SMITH, AR 72916
479-452-8922**

Owner or Agent Mailing Address and
Phone Number

Signed:


Owner

or

Agent

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

SEE ATTACHED DOCUMENT

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

NONE


Signature

(If no restrictive covenants exist, indicate "none".)*

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. M. Scott Archer	11709 Springridge Drive, FS 72916
2. Robert P. May	2419 Bugscuffle Rd., Lavaca, AR 72941
3. Trey White	6 Dennis, Vilonia, AR 72173
4. Nathan Wilson	2603 Quarry Dr., Van Buren, AR 72956
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

FCRA Diades Investments 2.91 Acre Survey Legal

Part of the Southeast Quarter of the Southeast Quarter of Section 4 and part of the North Half of the Northeast Quarter of Section 9, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southeast Corner of said Section 4, said point being marked with an existing railroad spike; Thence along the east line of said Section 4, N02°45'16"E, 145.29 feet to a point on the southerly right-of-way line of Ward Avenue, as established in Document Number 2014F-16552, filed for record November 25, 2014; Thence leaving said east line and along said right-of-way line, N45°57'16"W, 581.66 feet; Thence continuing along said right-of-way line, N45°54'26"W, 160.84 feet to the Point of Beginning, said point being marked with a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said right-of-way line, S44°11'52"W, 1156.29 feet to a point on the northerly right-of-way line of Darby Avenue, said point being marked with a set 1/2" rebar with cap stamped MWC 1369; Thence along said northerly right-of-way line, N46°00'33"W, 78.69 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said right-of-way line, 47.18 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N00°57'37"W and a distance of 42.46 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N44°05'19"E, 1096.45 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence 47.13 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N89°05'26"E and a distance of 42.43 feet to said southerly right-of-way line of Ward Avenue and a set 1/2" rebar with cap stamped MWC 1369; Thence along said southerly right-of-way line, S45°54'26"E, 80.94 feet to the Point of Beginning. Containing 2.91 acres, more or less.

Diades Investments, LLC

7405 Ellis Street • Fort Smith, Arkansas 72916

September 27, 2017

Diades Investments LLC
Neighborhood Meeting
September 27, 2019
HSA Training Room

A public neighborhood meeting was held in anticipation of the upcoming Planning Commission meeting in regards to the proposed PZD application for Diades Investments. The property related to the PZD is located at 7405 Ellis Street, Fort Smith, AR 72916 and is within Chaffee Crossing.

The meeting started at 5:30 PM and ended at 6:15 PM. Representatives from Diades Investments, Beshears Construction, and the City of Fort Smith attended the meeting. No other attendees were present.

Attendees:

Kelly Wilson Beshears Construction	479-646-0846	PO Box 6299 Fort Smith, AR 72906
Scott Archer Diades Investments	479-452-8922	7405 Ellis Street Fort Smith, AR 72916
Stacy Archer Diades Investments	479-452-8922	7405 Ellis Street Fort Smith, AR 72916
Nathan Wilson Diades Investments	479-452-8922	7405 Ellis Street Fort Smith, AR 72916
Tyler Miller City of Fort Smith Planning Department	479-784-2211	City of FS

In addition to the neighborhood meeting, I have received no phone calls nor emails in regards to the project from neighbors.

Sincerely,



Scott Archer, Principal
Diades Investments, LLC
479.651.1483 / sarcher@hsaconsultants.com

Rezoning #21-10-19: From Not Zoned to Planned Zoning District (PZD) 7405 Ellis Street



September 17, 2019

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks

Rezoning

7405 Ellis Street

Legend

Sebastian County Solid Waste Management

Re zoning Request

Fort Chaffee Redevelopment

Vietnam Veterans of America

Terry Street

Ellis Street

Ward Avenue

Offices

Darby Avenue

Fort Chaffee Boulevard

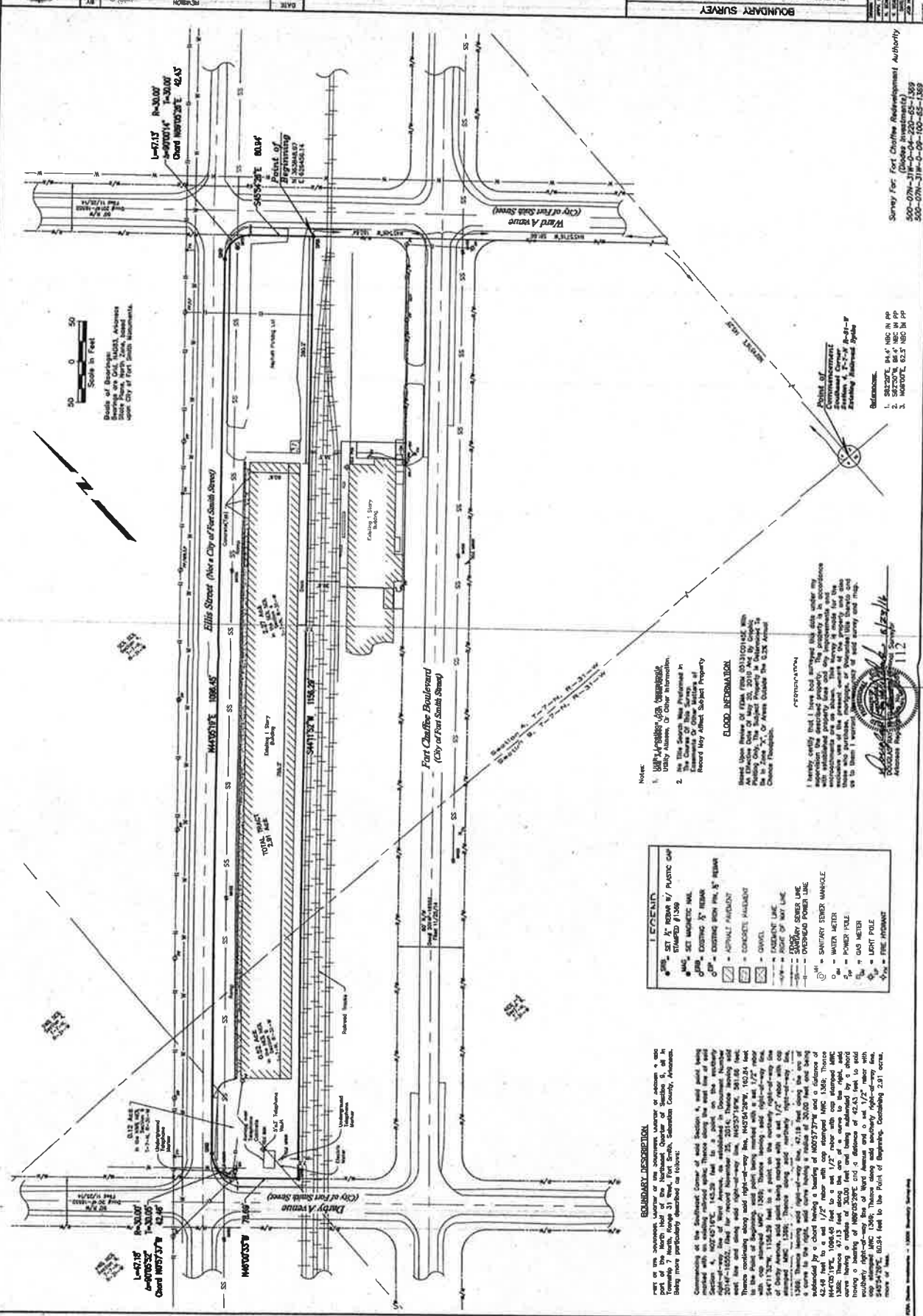
Collier St

Google Earth

© 2018 Google

1000 ft





Survey For: Fort Chaffee Redevelopment Authority
(Glades Investments)
500-07N-31W-0-04-220-65-1369
500-07N-31W-0-09-100-65-1369

1. S02207E, 04.4° NBC IN PP
2. S02207E, 06.4° NBC IN PP
3. M06007E, 62.5° NBC IN PP

Notes:

1. Mail addresses are confidential. Utility Address, or Other Information.
2. No Title Search Was Performed in the Course of This Survey. Exemptions or Other Matters of Record May Affect Subject Property.

FLOOD INFORMATION

I hereby certify that I have had surveyed and mapped the land described above, and in accordance with established procedure have no doubt as to its location.

DOUGLAS COUNTY
Arizona Republic

LEGEND	
	SET 1/2" REBAR 1/2" PLASTIC CAP
	STANDARD 1/4" REBAR
	3/4" SET REBAR
	EXISTING 3/4" REBAR
	EXISTING IRON PIPE 3/4" REBAR
	ASPHALT PAVEMENT
	CONCRETE WALL/DUCT
	GRAVEL
	EXCAVATED LINE
	EDGE OF MAY LANE
	UTILITY SERIES LINE
	OVERHEAD POWER LINE
	SANITARY SEWER MANHOLE
	WATER METER
	POWER POLE
	GAS METER
	LIGHT POLE
	FIRE HYDRANT

[illegible]

PZD Booklet

PZD Booklet
for
Diades Investments, LLC

7405 Ellis Street
Fort Smith, AR 72916
Rezoning to PZD

September 13, 2019



A. Reason for rezoning:

The current property located in the historic mixed-use area in Chaffee Crossing is currently not zoned. The existing warehouse building was previously developed into an office building which houses H.S.A. Engineering and other professional offices. Future renovation on the interior will require a building permit and hence new zoning for the property. There are no plans currently for the remaining property adjacent to the existing building, however, there is a possibility of adding parking lots in these areas to the north and south of the existing building. Due to the unique nature of the property at Chaffee Crossing, we feel that a PZD is more appropriate than traditional commercial zoning in this instance.

B. Current Ownership:

Diades Investments, LLC

(Scott Archer, Rob May, Trey White, Nathan Wilson)

Phone: 479-452-8922

Address: 7405 Ellis Street, Fort Smith, AR 72916

There are no pending or proposed property sales at this time.

C. Summary Description of the Scope:

An interior renovation to vacant space within the building is being planned currently. The space would house a professional engineering office and would consist of a tenant infill project including new interior partitions, finishes, a break room, and mechanical, plumbing, and electrical systems. No exterior work is planned at this time.

D. General Project Scope:

1. Street and Lot Layout:
 - a. See attached property survey. The property is located on Ellis Street with private parking directly on Ellis Street. Ward and Darby Avenues are on the north and south sides of the property. An existing train rail corridor abuts the west side of the property.
2. Site plan showing proposed improvements:
 - a. No exterior work proposed at this time.
3. Buffer areas, screening, and landscaping:
 - a. Existing landscaping can be found on the east side of the property adjacent to Ellis Street. No new landscaping is proposed at this time. Any future work will meet FCRA and UDO standards.
4. Storm water detention areas and drainage:
 - a. No new storm water detention or drainage is proposed at this time.
5. Undisturbed natural areas:
 - a. No exterior work is planned at this time.
6. Existing and proposed utility connections and extensions:
 - a. No utility work is proposed at this time. All utilities are existing.
7. Development and architectural design standards:
 - a. No exterior work is planned at this time. Any future work will meet UDO and FCRA standards.
8. Building elevations:
 - a. No exterior work is planned at this time.
9. Proposed signage:
 - a. Building signage to meet UDO and FCRA requirements.

- b. A future monument sign may be proposed at a later date and will be a maximum of 10' wide by 6' tall with variance approval from the FCRA design review committee. There are no plans detailing the signage currently.
- c. No pylon signs will be allowed.

E. Proposed Development Phasing and Timeframe:

- a. An interior renovation to vacant space within the building is being planned currently. The project is expected to start in the fourth quarter of 2019. No exterior work is planned at this time.

F. Identify Land Use Designations:

- a. The Chaffee Crossing current land use designation is Mixed Use: Historic Area.

G. Identify Area and Bulk Regulations:

Minimum lot size: 0.3 acres
 Minimum lot width at BSL: 50'
 Maximum lot coverage: 100%
 Maximum height: 35'
 Additional height: See 27-404 D of the UDO

Setbacks

Front: 10'

Side: 10'

Street Side/Corner: 10'

Rear: 0'

Minimum Street Frontage: 50'

Minimum Building Separation: Per current building or fire code

H. Chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)

	DIADES PZD	FCRA MIXED USE: HISTORIC
Minimum lot size:	0.3 acres	3600 SF
Minimum lot width at BSL:	50'	40'
Maximum lot coverage:	100%	Not Specified
Maximum height:	35'	3 Stories
Additional height:	See 27-404 D of the UDO	Not Specified
Setbacks		
Front:	10'	Not Specified
Side:	10'	Not Specified
Street Side/Corner:	10'	Not Specified
Rear:	0'	25' w/ alley access
Minimum Street Frontage:	50'	Not Specified
Minimum Building Separation:	Per current building or fire code	Not Specified

- I. Chart comparing the proposed land uses and the zoning district where such land uses are permitted.
 - a. See attached Chart 1.
- J. Articulate how the project exceeds the UDO requirements
 - a. The property will meet or exceed the Fort Chaffee Redevelopment Authority master development guidelines.
 - i. Architectural standards and signage requirements exceed UDO.
 - ii. The land use chart exceeds the UDO requirements by selective land use requirements.
 - iii. A variance may be pursued in the future to add a monument sign to the property, no larger than 10' long by 6' tall.
 - iv. A variance may be pursued in the future on the landscaping requirements to accommodate the property.
- K. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.
 - a. The Diades Investments property hopes to set an example of a great development for their current neighborhood by the use of high-quality materials and highly esteemed tenants. The development is congruent with surrounding properties in terms of land use, housing a professional office and possible retail to match or compliment surrounding uses.
- L. Traffic Study:
 - a. A traffic study is not required for this property.
- M. Site Utilities:
 - a. Water and sewer utilities are currently in place for the development.
 - b. See property survey for sizes and locations.

[illegible]

[illegible]

Appendix A

[illegible]

[illegible]

Appendix A

	Districts	PZD	RE3	RE1	R-1	R-2	R-3	R-4	R-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T _{1,2}	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4
P = Permitted Use, C = Conditional Use, A = Accessory Use																												
Forestry and Logging																												
Fishing, Hunting and Trapping, Game Preserves																												
Taxidermy shop		P																					P					

End PZD Booklet

Memo

To: City Planning Commission

From: Planning Staff

Date: October 3, 2019

Re: Rezoning #22-10-19 - A request by Kraig Koren, owner, for Planning Commission consideration of a zone request from not zoned to a Planned Zoning District (PZD) by classification located at 7600 Fort Chaffee Boulevard

PROPOSED ZONING

Approval of the zoning request will allow the owner to develop the existing building and contractor's shop into a brewery and contractors office.

LOT LOCATION AND SIZE

The subject property is on the north side of Fort Chaffee Boulevard between Ward Avenue and Darby Avenue. The tract contains an area of 0.28 acres with approximately 143 feet of street frontage along Fort Chaffee Boulevard.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

The property is currently not zoned.

SURROUNDING ZONING AND LAND USE

The area to the north is not zoned and developed as professional offices and undeveloped.

The area to the east is not zoned and is developed as a vacant building.

The area to the south is not zoned and undeveloped.

The area to the west is not zoned and is developed as a furniture store.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Fort Chaffee Boulevard as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Future Land Use Plan classifies the site as Mixed Use: Historic Area. This classification is designated to facilitate the creation of a pedestrian-friendly environment to encourage the redevelopment of the historic core into a community and/or tourist destination. This classification is intended to preserve key existing Chaffee Crossing buildings by renovations, have infill development that has a contextual relationship with surroundings, and provide amenities in the open spaces with plazas, streets, and parks to reinforce the mixed use historic area.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **The right-of-way is currently utilized as parking.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Fort Chaffee Boulevard has an 80' right-of-way and is capable of handling anticipated traffic.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **YES**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **YES**

- F. The required right-of-way dedication has been identified by the City Engineering Department? **No R.O.W. dedication is required.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Fort Chaffee Boulevard has an 80' right-of-way and is capable of handling anticipated traffic.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The PZD Booklet states that new development will comply with the Chaffee Crossing Master Development Guidelines and as a result will exceed the UDO's landscaping and architectural design requirements.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The current parking is located within the 80' R.O.W. adjacent to the buildings entrance. At this time no new parking is proposed.

Right-of-way dedication – The street is currently 80' wide R.O.W. No new dedication is required.

Drainage – The building is existing so no new drainage information is required.

Landscaping & Screening – The PZD indicates that new development will comply with the UDO and Chaffee Crossing Design Guidelines landscaping requirements.

Parking – The current businesses utilize the striped parking spaces within the R.O.W. No new parking lots are proposed at this time.

Signage – No signage information is shown at this time. The PZD states that all signage will comply with the Chaffee Crossing Design Guidelines and UDO signage requirements.

Sidewalks – No sidewalks are proposed. An existing docking area functions as a walkway into the entrance of the building.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.

- D.** The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E.** The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F.** That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held on September 12, 2019, on site. No neighboring property owners attended the meeting.

STAFF COMMENTS

The PZD appears to comply with UDO Section 27-341 regarding the requirements for Planned Zoning Districts.

STAFF RECOMMENDATIONS

Staff recommends approval of the application.